

Yes ( )

No ( )”.

(2) The intermediate school board shall submit the question upon receipt of resolutions adopted by a majority of the boards of constituent districts and representing more than 1/2 of the combined memberships of the constituent districts of the intermediate school district as of the latest pupil membership count day. The resolutions of the constituent district boards shall be adopted between March 1 and the next succeeding July 1. The question shall be presented to the school electors of the constituent districts at the next regular school election after resolutions of constituent district boards meeting the requirements of this section have been filed with the school district filing official.

(3) If a majority of the school electors votes in favor of popular election, members of the intermediate school board shall be elected at the next regular school election and biennially thereafter at the regular school elections of the constituent districts.

(4) An intermediate school district that adopts sections 615 to 617 may terminate the popular election of members of the intermediate school board in the same manner.

### **380.617 Candidate for office of board member; nomination; election.**

Sec. 617. (1) In an intermediate school district in which sections 615 to 617 are effective, a candidate for the office of member of the intermediate school board shall be nominated, and members shall be elected, as provided in chapter XIV of the Michigan election law, MCL 168.301 to 168.315.

(2) At the first election, 3 members of an intermediate school board shall be elected for a term of 6 years, 2 for a term of 4 years, and 2 for a term of 2 years. After the first election, their successors shall be elected biennially for terms of 6 years.

### **380.629 Borrowing by intermediate school board; purposes; limitations on borrowing money or issuing bonds; resolution by constituent school district not to participate in cooperative program or conduct election.**

Sec. 629. (1) An intermediate school board may borrow, subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, sums of money on terms the intermediate school board considers necessary for 1 or more of the following purposes:

(a) For temporary purposes for which the intermediate school board may give notes of the intermediate school district. The intermediate school board shall not borrow a sum that exceeds the amount that has been voted by the intermediate school board or the school electors of the intermediate school district.

(b) To purchase sites for buildings; to purchase, erect, complete, remodel, improve, furnish, refurnish, equip, or reequip buildings and facilities the board is authorized to acquire, including, but not limited to, general administrative, vocational, or special education buildings or facilities, or parts of those buildings or facilities, or additions to those buildings or facilities, and prepare, develop, or improve sites for those buildings or facilities; to purchase and install information technology systems, together with the equipment and software, as are necessary for programs conducted by the intermediate school district under section 627(2); and to issue and sell bonds of the intermediate school district in the form and on the terms the board considers advisable.

(2) An intermediate school board shall not borrow money or issue bonds for a sum that, together with the total outstanding bonded indebtedness of the intermediate school district, exceeds 1/9 of 1% of the state equalized valuation of the taxable property within

the district, unless the question of borrowing the money or issuing bonds is submitted first to a vote of the school electors of the intermediate school district held under section 661 and approved by the majority of the registered school electors voting on the question. Regardless of the amount of outstanding bonded indebtedness of the intermediate school district, a vote of the school electors is not necessary in order to issue bonds for a purpose described in section 1274a or to issue bonds under section 11i of the state school aid act of 1979, 1979 PA 94, MCL 388.1611i. Money may be borrowed and bonds may be issued for the purposes stated in this section in an amount equal to that provided by part 17. For the purposes of this subsection, bonds authorized by vote of the school electors for special education facilities under part 30 and for area vocational-technical education facilities under sections 681 to 690 and bonds issued under section 11i of the state school aid act of 1979, MCL 388.1611i, shall not be included in computing the total outstanding bonded indebtedness of an intermediate school district.

(3) Not later than 30 days after receipt of notice that the question of issuing bonds under this section to purchase and install information technology systems as are necessary for a cooperative program under section 627(2) will be submitted to the school electors of the intermediate school district, the board of a constituent school district by resolution may elect not to participate in the cooperative program and not to conduct an election on the question within the constituent school district.

### **380.661 Submission of question to school electors at regular or special school election.**

Sec. 661. (1) Subject to the Michigan election law, the intermediate school board may submit questions to the intermediate school electors of the intermediate school district at a regular or special school election held in each of the constituent districts. A question shall not be submitted to the intermediate school electors unless the question is within the lawful authority of the intermediate school electors to decide.

(2) A person who is a school elector of a constituent district of an intermediate school district and who is registered in the city or township in which that person resides is an intermediate school elector of that intermediate school district.

### **380.681 Area vocational-technical education program; approval of establishment and operation; election; submission of question; form of ballot; limitation on number of mills to be levied; number of elections.**

Sec. 681. (1) An intermediate school district may establish an area vocational-technical education program and operate the program under sections 681 to 690 if approved by a majority of the intermediate school electors of the intermediate school district voting on the question. The election shall be called and conducted in accordance with this act and the Michigan election law. The establishment of the area vocational-technical education program may be rescinded by the same process.

(2) The question of establishing an area vocational-technical education program may be submitted to the intermediate school electors of an intermediate school district at a regular school election or at a special election held in each of the constituent districts. Subject to section 641 of the Michigan election law, MCL 168.641, the intermediate school board shall determine the date of the election and shall give notice to the school district filing official at least 60 days in advance of the date the ballot question is to be submitted to the intermediate school electors.

(3) The ballot for referring the question of adopting sections 681 to 690 and establishing an area vocational-technical education program to the intermediate school electors of an intermediate school district shall be substantially in the following form:

“Shall \_\_\_\_\_, state of Michigan, come under sections 681  
(legal name of intermediate school district)  
to 690 of the revised school code and establish an area vocational-technical education program which is designed to encourage the operation of area vocational-technical education programs if the annual property tax levied for this purpose is limited to \_\_\_\_\_ mills?

Yes ( )

No ( )”.

(4) Beginning in 1995, the number of mills of ad valorem property taxes an intermediate school board may levy for area vocational-technical education program operating purposes under sections 681 to 690 is limited to the following:

(a) If the intermediate school district did not levy any millage in 1993 for area vocational-technical education program operating purposes under sections 681 to 690, the intermediate school board, with the approval of the intermediate school electors, may levy not more than 1 mill for those purposes.

(b) If the intermediate school district levied millage in 1993 for area vocational-technical education program operating purposes under sections 681 to 690, the intermediate school board, with the approval of the intermediate school electors, may levy mills for those purposes at a rate not to exceed 1.5 times the number of mills authorized for those purposes in the intermediate school district in 1993. Approval of the intermediate school electors is not required for the levy under this subdivision of previously authorized mills until that authorization expires.

(5) An intermediate school district shall not hold more than 2 elections in a calendar year concerning the authorization of a millage rate for area vocational-technical education program operating purposes under sections 681 to 690.

### **380.682 Area vocational-technical education; submitting question of increasing millage limit; election; form of ballot.**

Sec. 682. Subject to section 681(4), an intermediate school board operating under sections 681 to 690 may direct that the question of increasing the millage limit on the annual property tax levied for area vocational-technical education be submitted to the intermediate school electors of the intermediate school district. The election shall be called and conducted in accordance with section 661. The ballot shall be substantially in the following form:

“Shall the \_\_\_\_\_ mill limitation on the annual property tax previously approved by the electors of \_\_\_\_\_, state of Michigan,  
(legal name of intermediate school district)  
for the establishment and operation of area vocational-technical education programs be increased by \_\_\_\_\_ mills?

Yes ( )

No ( )”.

### **380.687 Borrowing money and issuing bonds; purposes; limitation; submission to school electors; form of ballot.**

Sec. 687. (1) An intermediate school board in which an area vocational-technical education program is established, by a majority vote of the intermediate school electors

voting on the question at a regular school election or at a special election called for that purpose, may borrow money and issue bonds of the intermediate school district subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, to defray all or part of the cost of purchasing, erecting, completing, remodeling, improving, furnishing, refurbishing, equipping, or reequipping area vocational-technical buildings and other facilities, or parts of buildings and other facilities or additions to buildings and other facilities; acquiring, preparing, developing, or improving sites, or parts of sites or additions to sites, for area vocational-technical buildings and other facilities; refunding all or part of existing bonded indebtedness; or accomplishing a combination of the foregoing purposes. An intermediate school district shall not issue bonds under this part for an amount greater than 1.5% of the total assessed valuation of the intermediate school district.

(2) A bond qualified under section 16 of article IX of the state constitution of 1963 and implementing legislation shall not be included for purposes of calculating the foregoing 1.5% limitation.

(3) An intermediate school board may submit a proposal to issue bonds of the intermediate school district, authorized under this section, to the intermediate school electors at the same election at which the intermediate school electors vote on the establishment of an area vocational-technical education program. If these questions are presented to the school electors at the same election, the board shall include the bond proposal in the 60-day notice given the boards of constituent districts. The establishment of an area vocational-technical education program shall become effective if approved by a majority of the intermediate school electors voting on the question. The authority to issue bonds is effective only if a majority of the intermediate school electors approve both the establishment of the area vocational-technical education program and the issuance of bonds.

(4) The ballot used in submitting the question of borrowing money and issuing bonds under this section shall be in substantially the following form:

“Shall \_\_\_\_\_ (here state the legal name of the intermediate school district designating the name of a district of not less than 18,000 pupils or first class school district that has elected not to come under this act as far as an area vocational-technical education program is concerned) state of Michigan, borrow the sum of not to exceed \$\_\_\_\_\_ and issue its bonds therefor, for the purpose of \_\_\_\_\_?”

Yes ( )

No ( )”.

### **380.690 Nonparticipation or participation by certain school districts in area vocational-technical education program; resolution; election; funding; expenditures; buildings, sites, and equipment.**

Sec. 690. (1) A school district of not less than 18,000 pupils, a first class school district, or a school district offering or making available to its pupils a comprehensive vocational education program approved by the state board, may elect not to come under an area vocational-technical education program by resolution adopted by its board not later than 30 days after receipt of notice that the question of establishing the area vocational-technical education program will be submitted to the school electors of the district.

(2) A school district electing not to come under the area vocational-technical education program may thereafter elect to come under the program if at a special or regular school election a majority of the school electors voting approve the operation of the area vocational-technical education program and the annual tax rate for that purpose in effect in the other constituent districts of the intermediate school district.

(3) Except as provided in this subsection, in an intermediate school district where the school electors have voted upon and failed to approve the ballot question set forth in

section 681, a combination of 2 or more contiguous constituent districts, by resolution of their boards, may elect to establish an area vocational-technical education program, if approved by resolution of the intermediate district board and designated by the state board. The requirement of contiguity of constituent districts does not apply if 1 or more of the districts that constitute the basis of contiguity declare their intent, by board resolution, not to be part of the proposed area vocational-technical education program. At any time within 6 months after the enactment of the resolution establishing the program in a local school district, school electors equal in number to not less than 5% of the votes cast in the most recent school election may petition their local school district board to submit the resolution to the school district filing official for submission to the electorate, in a form and manner to be prescribed by the secretary of state, and the district's participation in the program shall be terminated if not approved by a majority of the school electors voting on the question.

(4) Area vocational-technical education programs established under this section shall receive appropriate state funding or federal funding allocated by the state board on exactly the same basis as area vocational-technical education programs and centers established by intermediate school districts. Constituent districts establishing an approved area vocational-technical education program under this section may designate, by board resolution, specific amounts of either authorized operating millage or operating millage being requested from the school electors to be utilized solely for the area vocational-technical education program, in a manner to be prescribed by the state board, and the specified amount of millage shall be regarded as area vocational-technical education millage rather than local school district operating millage in all computations made by the state board to determine state aid. The revenue obtained from the millage designated, together with appropriate state and federal funds, may be expended for the same purposes specified for intermediate district programs in sections 684 and 685, including contracts with the intermediate school district, another local school district, or a community college for area vocational-technical education programs, facilities, and services. If constituent districts establish area vocational-technical education programs under this section, buildings, sites, and equipment may be jointly acquired, owned, or leased.

(5) A contiguous school district desiring to become part of an area vocational-technical education program established under this section may do so with the approval of each participating school district, the intermediate school district, and the state board. Constituent districts operating an approved area vocational-technical education program under this section may subsequently elect not to participate, or may thereafter elect to participate, in an intermediate school district vocational-technical education program in exactly the same manner prescribed in this section for school districts of not less than 18,000 pupils, a first class school district, or a school district offering or making available to its pupils a comprehensive vocational education program approved by the state board.

**380.701 Combining adjoining intermediate school districts to form single intermediate school district; resolution; submission of question to electors; petitions; form of ballot; effective date of reorganization; interim board; superintendent; reorganization meeting; election of board; auditing accounts; contracts; special education programs; annual property tax rates.**

Sec. 701. (1) Two or more adjoining intermediate school districts may combine to form a single intermediate school district when the reorganization is approved by a majority of

the electors of each intermediate school district voting on the question in the regular school elections of the constituent districts.

(2) The question of combining intermediate school districts may be submitted by a resolution of the intermediate school boards meeting in joint session.

(3) The question shall be submitted if petitions signed by a number of school electors of each intermediate school district equal to not less than 5% of the number of pupil memberships on the latest pupil membership count day of the combined constituent districts of the intermediate school district are filed with the school district filing official. Within 30 days after receiving sufficient petitions, the school district filing official shall notify the secretary of the intermediate school district and the secretary shall apply for approval to the superintendent of public instruction. The school district filing official shall submit the question in accordance with section 661 at the next regular school election after the superintendent of public instruction approves the merger.

(4) The ballots for a ballot question under this section shall be in substantially the following form:

“Shall the following intermediate school districts be organized as a single intermediate school district?

(List names of intermediate school districts)

Yes ( )

No ( )”.

(5) If the consolidation is approved by a majority of the school electors voting on the question in each of the participating intermediate school districts, the reorganization is effective in the combined intermediate school districts 30 days after the regular school election at which the question is submitted. The reorganized intermediate school district is a single intermediate school district subject to this part.

(6) The members of the intermediate school boards of the original intermediate school districts shall act as an interim board until a board of the combined intermediate school district is elected. The interim board has all the powers and duties of an intermediate school board under this part. The person chosen by the interim intermediate school board as intermediate superintendent shall serve only until a successor is chosen by the elected intermediate school board. The secretary of the intermediate school board having the largest number of pupils in membership in its combined constituent districts at the time of reorganization shall call a meeting of the members of the interim intermediate school board for the purpose of organization within 15 days after the effective date of the reorganization. The school district filing official shall provide for the election of a board of the reorganized intermediate school district under chapter XIV of the Michigan election law, MCL 168.301 to 168.315. At the first election there shall be elected 3 members of a board for 6 years, 2 for 4 years, and 2 for 2 years. Their successors shall be elected biennially for terms of 6 years.

(7) The reorganized intermediate school district shall operate as a single intermediate school district from the effective date of the reorganization. Within 10 days after the reorganization, all accounts of the reorganized intermediate school districts shall be audited in the manner established by the interim intermediate school board. The contracts of the intermediate superintendents in force on the effective date of reorganization continue in effect until the time of their termination except as to position as intermediate superintendents.

(8) If, before reorganization of the intermediate school districts each of the combining intermediate school districts adopted special education programs by referendum as provided

in part 30 and approved the same annual property tax rates for the education of handicapped persons, the special education programs and the annual property tax rates shall continue in effect in the reorganized intermediate school district.

**380.702 Annexation of intermediate school district; resolution; election; adoption of special education program and annual tax rate; ballot; approval of proposed annexation; filing result of election; funds and property; release from liability; effective date of annexation; notices; appointment and terms of board members.**

Sec. 702. (1) An intermediate school district may be annexed to another intermediate school district if the intermediate school board of the annexing intermediate school district approves the annexation by resolution, and a majority of the school electors of the intermediate school district to be annexed voting on the question at a regular or special school election in the intermediate school district approve the annexation. If prior to annexation the annexing intermediate school district adopts a special education program by referendum as provided in part 30, the intermediate school electors of the intermediate school district to be annexed must vote to adopt that special education program and annual tax rate. The vote on the question shall be by ballot furnished by the school district filing official for the intermediate school district to be annexed. Before the election is held, the annexing intermediate school board shall obtain the approval of the superintendent of public instruction of the proposed annexation.

(2) Within 10 days after the election, the school district filing official shall file the result with the secretary of the intermediate school board, and 5 days later the intermediate school board secretary shall file the election result with the secretary of the intermediate school board of the annexing intermediate school district. Within 15 days after the annexation election the intermediate school board of the annexed intermediate school district shall account to the intermediate school board of the annexing intermediate school district for the money and property in its hands and shall turn over the money and property to that intermediate school board. Property and money belonging to the annexed intermediate school district becomes the property of the annexing intermediate school district. The outstanding indebtedness of the annexed intermediate school district becomes the liability of the annexing intermediate school district. Upon receipt of the money and property, the members of the annexed intermediate school board shall be released from liability for the money and property and their offices terminated.

(3) The annexation is effective on the latest date on which the election was held in a constituent district of the annexed intermediate school district. The secretary of the intermediate school board of the annexing intermediate school district shall give written notice of the annexation to the superintendent of public instruction within 15 days after the annexation election. Within 30 days after annexation, the board of the annexing intermediate school district shall appoint 2 school electors of the annexed intermediate school district to membership on the intermediate school board of the reorganized intermediate school district, who shall serve until January 1 or, if the intermediate school district's regular school election is held in May, until July 1 after the next intermediate school district election. Notification of the appointments shall be filed with the superintendent of public instruction. If the appointments are not made within the 30 days, the superintendent of public instruction shall make the appointments. At the next intermediate school district election, members of the intermediate school board shall be elected in the number and for the terms required in section 701. The terms of the members of the intermediate school board whose terms have not expired shall determine the terms of the additional members to be elected.

**380.703 Plan for disorganization of intermediate school district; request; resolution; notice of meeting; approval of state board; finality; effective date of disorganization; joint meetings of boards; distribution of assets; taxes; appointment of intermediate school board members; term; notification.**

Sec. 703. (1) An intermediate school district comprised of less than 5 constituent districts and having no bonded indebtedness may be disorganized and its constituent districts attached to contiguous intermediate school districts under this section.

(2) The board of each constituent district may request the intermediate school board to prescribe a plan for disorganization of the intermediate school district. Each request shall designate another intermediate school district to which the constituent district desires to be attached. The intermediate school board shall prescribe, by resolution, a plan under which each of the constituent districts will be attached in whole to contiguous intermediate school districts designated in the requests. If the designated intermediate school district is not contiguous, the intermediate school board's plan may prescribe attachment to a contiguous intermediate school district.

(3) The intermediate superintendent of the intermediate school district that is to be disorganized shall give 30 days' notice of the time and place of the meeting of the intermediate school board and of the proposed plan for disorganization by publication of the notice in a newspaper of general circulation in the intermediate school district. The intermediate school board shall present the adopted plan for dissolution to the board of each of its constituent districts and to the intermediate school board of each intermediate school district whose boundaries would be enlarged by the proposal.

(4) The intermediate superintendent of each intermediate school district whose boundaries would be enlarged by the dissolution shall give 30 days' notice of the time and place of the meeting of the intermediate school board and of the recommended plan for enlargement of the intermediate school district by publication of the notice in a newspaper of general circulation in the intermediate school district.

(5) If the intermediate school board of each affected intermediate school district approves the plan for disorganization, the intermediate school board of the intermediate school district to be dissolved shall refer the matter to the superintendent of public instruction for approval. The action of the superintendent of public instruction declaring the intermediate school district dissolved is final. Disorganization of the intermediate school district and attachment of its constituent districts to contiguous intermediate school districts takes effect on July 1 after the date of the approval of the superintendent of public instruction.

(6) The intermediate school boards of the intermediate school districts to which territory is attached by dissolution shall meet jointly, sitting as a single board, and make an equitable distribution of the money, property, and other assets belonging to the disorganized intermediate school district among the intermediate school districts affected. The territory of constituent districts transferred to other intermediate school districts by dissolution shall be subject to all taxes levied for purposes of the intermediate school district to which transferred, including taxes for the retirement of bonded indebtedness, special education programs, and area vocational-technical education programs.

(7) Within 30 days after a district attaches to a contiguous intermediate school district under this section, the board of the intermediate school district whose boundaries have been enlarged by the dissolution may appoint 2 school electors of constituent districts, 1 of whom shall be an elector of the attached district, to membership on the intermediate school board. Intermediate school board members appointed under this subsection serve until January 1 or, if the intermediate school district's regular school election is held in May, until July 1 after the next intermediate school district election. The



intermediate school board may determine 1 initial term of less than 6 years for 1 of the additional members to be elected at the intermediate school district election. Notification of an appointment shall be filed with the superintendent of public instruction.

**380.705 Regional enhancement property tax levied by intermediate school district; resolution submitting question to voters; election; calculation and payment of revenue; term and renewal of tax; presentment of tax to electors as separate question.**

Sec. 705. (1) Beginning in 1997, and in each year after 1997, a regional enhancement property tax may be levied by an intermediate school district at a rate not to exceed 3 mills to enhance other state and local funding for local school district operations if approved by a majority of the intermediate school electors voting on the question.

(2) If a resolution requesting that the question of a regional enhancement property tax be submitted to the voters is adopted within a 180-day period and transmitted to the intermediate school board by 1 or more boards of its constituent school districts representing a majority of the combined membership of the constituent school districts as of the most recent pupil membership count day and if those resolutions all contain an identical specified number of mills to be levied under this section and an identical specified number of years for which the tax shall be levied, the question of levying a regional enhancement property tax by the intermediate school district shall be placed on the ballot by the intermediate school district at the next regular school election held in each of the constituent districts. If the question is to be submitted to the intermediate school electors of an intermediate school district having a population of more than 1,400,000, the intermediate school board shall call a special election to be held at the next state primary or general election. If the resolution requirement is met more than 180 days before the next regular school district elections, and if requested in the resolutions, the intermediate school board shall submit the question of levying a regional enhancement property tax within the intermediate school district on the ballot at a special election called by the intermediate school board for that purpose not earlier than 90 days after the resolution requirements are met.

(3) Not later than 10 days after receipt by the intermediate school district of the revenue from the regional enhancement property tax, the intermediate school district shall calculate and pay to each of its constituent school districts an amount of the revenue calculated by dividing the total amount of the revenue by the combined membership of the constituent school districts within the intermediate district, as of the most recent pupil membership count day, and multiplying that quotient by the constituent school district's membership, as of the most recent pupil membership count day for which a final department-audited pupil count is available.

(4) Regional enhancement property tax under this section may be levied for a term not to exceed 20 years, as specified in the ballot question, and may be renewed for the same term with the approval of a majority of the intermediate school electors voting on the question.

(5) The question of levying a regional enhancement property tax under this section shall be presented to the intermediate school electors as a separate question.

**380.853 Petitions; preparation; form; contents; signature; circulation; return of petitions to school district filing official; expiration date.**

Sec. 853. (1) Within 30 days after the receipt of the approval of the state board to the consolidation, the intermediate superintendent shall notify the school district filing official,

who shall have petitions prepared for circulation within the designated school districts. The petitions shall be printed or duplicated.

(2) A petition under this section shall be substantially in the form prescribed for other petitions under this act and is subject to section 14.

(3) Upon the request of a school elector of the district proposed to be consolidated, the school district filing official shall provide a petition for consolidation to the school elector. A petition shall be circulated only by a school elector of the district. The statement appearing below the signatures of petitioners shall be dated and signed on each page before filing the petition with the school district filing official.

(4) A school elector circulating a petition under this section shall return the petition to the school district filing official before the expiration date stated on the petition that is the sixtieth day after the school district filing official certifies the number of registered general electors residing in each of the affected school districts. The expiration date shall be not later than 180 days after the date of approval by the state board.

**380.854 Certification of number of registered general electors; basis for determining required number of signatures; registration after date of certification; effect of additional registrations; eligibility to sign petition.**

Sec. 854. (1) Immediately upon receipt of the approval of the state board to the consolidation, the intermediate superintendent shall request the school district filing official to certify the number of registered general electors residing in each of the affected school districts. The number of registered general electors certified is the basis for determining the required number of signatures for calling an election on the question of consolidation.

(2) The signature of a person registering after the date of certification by the school district filing official is a valid signature if the person is registered at the time of signing the petition. Additional registrations do not affect the number of registered general electors originally certified. Only a registered school elector is eligible to sign a petition and to vote on the question of consolidation.

**380.855 Canvass of petitions; purpose; determining validity of signatures.**

Sec. 855. The school district filing official shall canvass the petitions to determine the number of school electors who have signed them. For the purpose of determining the validity of doubtful signatures, the school district filing official may have the signatures checked against the registration records by the clerk of a political subdivision in which petitions were circulated or may use other methods to determine the validity of doubtful signatures.

**380.856 Submitting question of consolidation to school electors at next regular school election or special election; petitions not required in certain school districts.**

Sec. 856. (1) If the school district filing official is presented with petitions signed by school electors in each school district in a number at least equal to 5% of the number of school electors residing in each school district, the school district filing official shall submit the question of consolidation to be submitted to the vote of the school electors of the school districts at the next regular school election or a special election.

(2) Petitions are not required in a school district operating 12 grades if a resolution adopted by the board of the school district requesting consolidation of school districts has been filed with the intermediate superintendent.

**380.857 Submitting question of establishing consolidated school district to school electors at regular school election or special election; voting as unit; day and hours of elections.**

Sec. 857. (1) The question of establishing a consolidated school district shall be submitted to the school electors at a regular school election or at a special election held for that purpose. In voting to form the consolidated school district, a school district operating 12 grades shall vote separately as a unit. The remaining school districts to be included in the consolidation shall vote together as a unit.

(2) The elections shall be held on the same day and during the same hours.

**380.858 Election notices.**

Sec. 858. The school district filing official shall give written notice to the secretary of the board of each affected school district of the date of the consolidation election at least 60 days before the election.

**380.859 Form of ballot question; affirmative vote of majority required; effective date of consolidation; reimbursements; expenses.**

Sec. 859. (1) The ballot question shall be in substantially the following form:

“Shall the territory of the following school districts be united to form 1 school district?

(Names of school districts to be consolidated to be listed here)

Yes ( )

No ( )”.

(2) The affirmative vote of a majority of the school electors voting on the question in each of the election units is necessary to effect the consolidation of the school districts. The consolidation is effective as of the date of the official canvass.

(3) If the consolidation becomes effective, expenses incurred for the election in each election unit shall be certified to the board of the consolidated school district. The school board of the consolidated school district shall pay election reimbursements from the funds of the consolidated school district. If the proposition to consolidate is not approved, the intermediate school board shall determine the expenses of the election held in the election unit operating less than 12 grades and apportion the required reimbursements equally among the school districts of the election unit. Each school board of the election unit shall pay the apportionment to the local unit of government that conducted the election.

**380.860 Submitting questions of assuming bonded indebtedness or increasing constitutional limitation on taxes; form; payment of bonded indebtedness; applicability of MCL 380.864.**

Sec. 860. (1) If the petitions filed with a school district filing official under section 853 request submission of the question of assuming the bonded indebtedness of 1 or more of the school districts proposing consolidation, or the question of increasing the constitutional limitation on taxes of the consolidated school district for operating purposes to the school electors at the consolidation election, the school district filing official shall include the question or questions in the notice of the election ballot questions filed with each of the election units.

(2) A request for including assumption by the consolidated school district of the bonded indebtedness of 1 or more of the districts proposing consolidation shall be stated on the petition after the names of the school districts to be consolidated in substantially the following form:

“We petition that the question of assumption and payment by the proposed consolidated school district of the bonded indebtedness of \_\_\_\_\_  
(name of school district or districts)

be submitted to the electors at the same election in which the proposed consolidation is submitted”, and if applicable,

“We petition that the question of increasing the constitutional limitation on taxes which may be assessed against all property in the proposed consolidated school district by \_\_\_\_\_ mills for a period of \_\_\_\_\_ years, \_\_\_ to \_\_\_, inclusive, for operating purposes, be submitted to the electors at the same election with the question of consolidating the above listed districts”.

(3) If the school electors approve the consolidation of school districts and the assumption of the bonded indebtedness of an original district, the consolidated school district shall assume the obligation of the bonded indebtedness. The consolidated school district shall pay the bonded indebtedness by spreading debt retirement taxes uniformly over the territory of the consolidated district. Section 864 applies to the debt retirement tax levies, the continuing obligations of the original school districts, and the rights and remedies of a bondholder.

### **380.861 Appointment of board; filing acceptance of office and affidavit of eligibility; election and terms of board members.**

Sec. 861. Within 10 days after the date of the official canvass of the consolidation election, the intermediate school board of the intermediate school district containing the territory of the consolidated school district shall appoint school electors of the school district in the number required by the classification of the school district to act as a board for the school district. If a consolidated school district includes territory in more than 1 intermediate school district, the appointment shall be made by the intermediate school board of each intermediate school district acting jointly as a single board. Within 7 days after appointment, each member shall file with the intermediate superintendent an acceptance of the office, accompanied by a written affidavit setting forth the fact of eligibility for office. Each appointed board member shall hold office until January 1, or, if the consolidated school district's regular election is in May, until July 1, next following appointment. A new board shall be elected at the first regular school election held after the effective date of consolidation in the manner prescribed by law for the election of a first board.

### **380.931 Division of district; resolution; petition; election; certifying number of registered school electors; effective date of division; description of division.**

Sec. 931. (1) An intermediate school board may divide a constituent district that has no bonded indebtedness and attach the parts thereof to 2 or more operating school districts if requested to do so by resolution of the board of the school district to be divided, or if petitioned by not less than 5% of the registered school electors residing in the district on the date the petition is received, and if the school electors of the school district, voting on the question at a regular or special school election, approve the division.

(2) The school district filing official shall certify the number of registered school electors residing in a school district as needed for voting on the ballot question.

(3) The resolution of the board of the school district to be divided or the petition of the registered school electors residing in the district may specify the effective date of the division of the school district, which date shall not be later than the end of the fiscal year in which the election takes place.

(4) The resolution of the intermediate school board to which the school district to be divided is constituent shall clearly describe the division. The description of the division shall be based on the resolution of the board of the school district to be divided or on the petition of the school electors.

**380.932 Division of district; election; submission of question; ballot; approval; ratification; territory; taxes; certified statement of vote; declaration of division; attachment to operating district; distribution of money and property; effective date.**

Sec. 932. (1) The board of the school district to be divided shall call an election at which the question of the division of the school district shall be submitted to the school electors. Vote on the ballot question shall be by ballot in the form determined by the school district filing official and shall clearly describe the division. Before an election is held, the superintendent of public instruction shall approve the proposed division and the attachment of the parts to existing operating school districts. The election in the school district to be divided shall be held not later than the next available day for a regular school election or special school election following the date of approval by the superintendent of public instruction.

(2) The affirmative vote of a majority of the school electors voting on the question is necessary to ratify the action of the intermediate school board.

(3) Territory attached to an existing operating school district shall be a part of that school district for all purposes, including the levy of all taxes the school district to which the territory is attached is authorized to levy.

(4) Within 5 days after the election, the school district filing official shall file a certified statement of the vote for division with the intermediate superintendent.

(5) Within 30 days after the filing of the certified statement of the vote approving the division, the intermediate school board, by resolution, shall declare the school district divided, attach the territory to the specified operating school districts, and make an equitable distribution of the money, property, and other material belonging to the school district among the school districts to which the territory is attached.

(6) If the effective date is determined by the resolution of the board or by the petition of the school electors under section 931, the intermediate school board shall declare the school district divided on that date.

**380.945 Election; resolution; conduct; canvass; question.**

Sec. 945. Upon receipt of an order transmitted as prescribed by section 944 and approving the division of the school district, the board of the school district to be annexed, divided, and transferred shall provide by resolution for the election on the question of annexing, dividing, and transferring the school district. The election shall be conducted and canvassed in the dividing district as provided in the Michigan election law. The question to be submitted to the electors shall be whether the territory of the dividing school district shall be annexed and transferred in the manner specified in the resolution of the dividing school district.

**380.1206 Conduct of elections under MCL 168.301 to 168.315.**

Sec. 1206. (1) The Michigan election law governs election procedures for a school district, local act school district, or intermediate school district regular school election or special school election.

(2) A school district, local act school district, or intermediate school district regular school election or special school election shall be administered and conducted as provided in chapter XIV of the Michigan election law, MCL 168.301 to 168.315. A school district, local act school district, or intermediate school district may use general operating funds to reimburse units of local government involved in administering and conducting a regular school election or special school election for the school district, local act school district, or intermediate school district, as required under the Michigan election law.

**380.1212 Sinking fund; creation; purpose; tax levy; audit; submission of proposition to school electors; election; ballot; approval.**

Sec. 1212. (1) If approved by the school electors of the school district, the board of a school district may levy a tax of not to exceed 5 mills on the state equalized valuation of the school district each year for a period of not to exceed 20 years, for the purpose of creating a sinking fund to be used for the purchase of real estate for sites for, and the construction or repair of, school buildings. The sinking fund tax levy is subject to the 15 mill tax limitation provisions of section 6 of article IX of the state constitution of 1963 and the property tax limitation act, 1933 PA 62, MCL 211.201 to 211.217a. A school district that levies a sinking fund tax under this section shall have an independent audit of its sinking fund conducted annually, including a review of the uses of the sinking fund, and shall submit the audit report to the department of treasury. If the department of treasury determines from the audit report that the sinking fund has been used for a purpose other than those authorized for the sinking fund under this section, the school district shall repay the misused funds to the sinking fund from the school district's operating funds and shall not levy a sinking fund tax under this section after the date the department of treasury makes that determination.

(2) The proposition of levying a sinking fund tax shall be submitted to the school electors of the school district at a regular or special school election.

(3) The question of levying taxes for the purpose of creating a sinking fund shall be by ballot in substantially the following form:

“Shall \_\_\_\_\_ levy \_\_\_\_ mills to create a sinking fund for the purpose of  
(legal name of school district) \_\_\_\_\_ for a period of \_\_\_\_ years?”

Yes ( )

No ( )”.

(4) For the purposes of this section, millage approved by the school electors before December 1, 1993 for which the authorization has not expired is considered to be approved by the school electors.

**380.1216 Use of money raised by tax.**

Sec. 1216. Except as provided in the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, money raised by tax shall not be used for a purpose other than that for which it was raised without the consent of a majority of the school electors of the district voting on the question at a regular or special school election.

**380.1351 Borrowing money and issuing bonds; purposes; limitations; bonds or notes as full faith and credit tax limited obligations.**

Sec. 1351. (1) Until May 1, 1994, a school district may borrow money and issue bonds of the district to defray all or a part of the cost of purchasing, erecting, completing, remodeling, improving, furnishing, refurbishing, equipping, or reequipping school buildings, including library buildings, structures, athletic fields, playgrounds, or other facilities, or parts of or additions to those facilities; acquiring, preparing, developing, or improving sites, or parts of or additions to sites, for school buildings, including library buildings, structures, athletic fields, playgrounds, or other facilities; purchasing school buses; participating in the administrative costs of an urban renewal program through which the school district desires to acquire a site or addition to a site for school purposes; refunding all or part of existing bonded indebtedness; or accomplishing a combination of the purposes set forth in this subsection. In addition, until December 31, 1991 a school district may borrow money and issue bonds to defray all or part of the cost of purchasing textbooks.

(2) Except as otherwise provided in this subsection, a school district shall not borrow money or issue bonds for a sum that, together with the total outstanding bonded indebtedness of the district, exceeds 5% of the state equalized valuation of the taxable property within the district, unless the proposition of borrowing the money or issuing the bonds is submitted to a vote of the school electors of the district at a regular or special school election and approved by the majority of the school electors voting on the question. Regardless of the amount of outstanding bonded indebtedness of the school district, a vote of the school electors is not necessary in order to issue bonds for a purpose described in section 1274a or to issue bonds under section 11i of the state school aid act of 1979, MCL 388.1611i. For the purposes of this subsection, bonds issued under section 11i of the state school aid act of 1979, MCL 388.1611i, shall not be included in computing the total outstanding bonded indebtedness of a school district.

(3) A school district shall not issue bonds under this part for an amount greater than 15% of the total assessed valuation of the district, except as provided in section 1356. A bond qualified under section 16 of article IX of the state constitution of 1963 and implementing legislation shall not be included for purposes of calculating the 15% limitation. Bonds issued under this part are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, except that bonds issued for a purpose described in section 1274a may be sold at a public or publicly negotiated sale at the time or times, at the price or prices, and at a discount as determined by the board of the school district.

(4) Bonds or notes issued by a school district or intermediate school district under this part or section 442, 629, or 1274a shall be full faith and credit tax limited obligations of the district pledging the general funds, voted and allocated tax levies, or any other money available for such a purpose and shall not allow or provide for the levy of additional millage for payment of the bond or note without a vote of the qualified electorate of the district.

**380.1361 Bonds; election; ballot; surplusage.**

Sec. 1361. (1) School district elections upon the issuance of bonds shall be held and conducted in accordance with this act and chapter XIV of the Michigan election law, MCL 168.301 to 168.315. Members of the school board shall not serve on a board of election inspectors.

(2) The question shall be submitted by ballot in substantially the following form:

“Shall \_\_\_\_\_, county/or counties of \_\_\_\_\_ and  
(here state the legal name of the school district)

state of Michigan, borrow the sum of not to exceed dollars (\$\_\_\_\_\_) and issue its bonds therefor, for the purpose of \_\_\_\_\_?”

Yes ( )

No ( )”.

(3) Anything contained in the ballot not specified in this section shall be considered surplusage and of no legal effect.

**380.1451 Public library; establishment; tax for support and maintenance; levy and collection; rate of tax authorized or voted; election.**

Sec. 1451. (1) A school district, by a majority vote of the school electors at a regular or special school election, may establish a public library.

(2) The school electors of a school district in which a library is established may vote a district tax for the support of the public library at a regular or special school election of the district. The board of the school district may vote a tax for the maintenance and support of the public library.

(3) A tax authorized or voted under this part shall be levied and collected in the same manner as other school district taxes are levied and collected.

(4) The millage allowed under this section may be levied without a vote of the school electors of the school district until the millage authorization expires. The rate of a tax authorized or voted under this section shall not exceed the number of mills levied by the school district under this section in 1993 that were not included in the operating millage reported by the school district to the department as of April 1, 1993 or the number of mills levied by the school district under this section in 1993 that the school district does not want considered as operating millage reported by the school district as of April 1, 1994, whichever is greater.

(5) The board of a school district shall not hold an election to levy mills under this section after December 31, 1993.

**380.1722 Adoption of MCL 380.1722 to 380.1729; submission of question; election; approval.**

Sec. 1722. (1) The question of adopting sections 1722 to 1729 may be submitted to the school electors of an intermediate school district at a regular school election or at a special election held in each of the constituent districts. Sections 1722 to 1729 shall be effective if approved by a majority of the school electors of an intermediate school district voting at an election called and conducted under section 661.

(2) Sections 1722 to 1729 shall continue in effect in an intermediate school district reorganized under section 701.

**380.1724 Increasing millage limit; submission of question; election; form of ballot.**

Sec. 1724. Subject to section 1724a, an intermediate school board operating under sections 1722 to 1729 may direct that the question of increasing the millage limit on the



annual property tax levied for special education be submitted to the school electors of the intermediate school district. The election shall be called and held in the manner provided in section 661. The ballot shall be substantially in the following form:

“Shall the \_\_\_\_\_ mill limitation on the annual property tax previously approved by the electors of the \_\_\_\_\_, (legal name of the intermediate school district), state of Michigan, for the education of handicapped persons be increased by \_\_\_\_\_ mills?

Yes ( )

No ( )”.

**Repeal of MCL 380.662 and 380.1001 to 380.1106; effective date of repeal.**

Enacting section 1. The following sections and parts of the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, are repealed effective January 1, 2005:

- (a) Section 662, MCL 380.662.
- (b) Parts 12 to 14, MCL 380.1001 to 380.1106.

**Effective date.**

Enacting section 2. This amendatory act takes effect January 1, 2005.

**Conditional effective date.**

Enacting section 3. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

- (a) Senate Bill No. 877.
- (b) House Bill No. 4822.
- (c) House Bill No. 4823.
- (d) House Bill No. 4824.
- (e) House Bill No. 4825.
- (f) House Bill No. 4826.
- (g) House Bill No. 4827.
- (h) House Bill No. 4828.

Approved January 8, 2004.

Filed with Secretary of State January 8, 2004.

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**Compiler's note:** The bills referred to in enacting section 3 were enacted into law as follows:

Senate Bill No. 877 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 298, Eff. Jan. 1, 2005.  
House Bill No. 4822 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 300, Eff. Jan. 1, 2005.  
House Bill No. 4823 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 301, Eff. Jan. 1, 2005.  
House Bill No. 4824 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 302, Eff. Mar. 30, 2004.  
House Bill No. 4825 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 303, Eff. Jan. 1, 2005.  
House Bill No. 4826 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 304, Eff. Jan. 1, 2005.  
House Bill No. 4827 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 305, Eff. Jan. 1, 2005.  
House Bill No. 4828 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 306, Eff. Jan. 1, 2005.

**[No. 300]****(HB 4822)**

AN ACT to amend 1947 PA 359, entitled “An act to authorize the incorporation of charter townships; to provide a municipal charter therefor; to prescribe the powers and functions thereof; and to prescribe penalties and provide remedies,” by amending section 34 (MCL 42.34), as amended by 1984 PA 353.

*The People of the State of Michigan enact:*

**42.34 Exemption of charter township from annexation to contiguous city or village; exceptions.**

Sec. 34. (1) A charter township existing on June 15, 1978, or a township incorporated after June 15, 1978 as a charter township that complies with the following standards, is exempt from annexation to any contiguous city or village except as provided in subsections (2) to (8):

(a) Has a state equalized valuation of not less than \$25,000,000.00.

(b) Has a minimum population density of 150 persons per square mile to be determined by the secretary of state by dividing the most recent regular or special census of population by the number of square miles then under the jurisdiction of the charter township not to include the population or territory within the jurisdiction of an incorporated village.

(c) Provides fire protection service by contract or otherwise.

(d) Is governed by a comprehensive zoning ordinance or master plan.

(e) Provides solid waste disposal services to township residents, within or without the township, by contract, license, or municipal ownership.

(f) Provides water or sewer services, or both, by contract or otherwise.

(g) Provides police protection through contract with the sheriff in addition to normal sheriff patrol, through an intergovernmental contract, or through its own police department.

(2) Notwithstanding subsection (1), the state boundary commission may, under procedures initiated and conducted under section 9 of the home rule city act, 1909 PA 279, MCL 117.9, order a portion or portions of a charter township to be annexed as necessary to eliminate free standing islands of the township completely surrounded by an annexing city, or to straighten or align the exterior boundaries of the city or village in a manner that the charter township and city or village contain uniform straight boundaries wherever possible.

(3) Notwithstanding subsection (1), a portion of a charter township, which charter township is contiguous on all sides with a city or village, may be annexed by that city or village with the approval of a majority of the electors in that portion of a charter township.

(4) Notwithstanding subsection (1), if a qualified elector does not reside in the territory proposed to be annexed that is contiguous to the city or village, other than the 1 or more persons petitioning, or if a petition signed by 1 or more persons, firms, corporations, the United States government, or the state or any of its subdivisions that collectively hold the equitable title as vendee under a recorded land contract or memorandum of land contract, or recorded legal title to more than 1/2 of the area of the land in the territory to be annexed is filed with the city or village and with the township board of the charter township in which the territory is situated, the annexation may be accomplished by the

affirmative majority vote of the city council or village board of the city or village and the approval of the charter township board of the township.

(5) Notwithstanding subsections (1) and (3), a portion of a charter township contiguous to a city or village may be annexed to that city or village upon the filing of a petition with the county clerk which petition is signed by 20% of the registered electors in the area to be annexed and approval by a majority of the qualified and registered electors voting on the question in the city or village to which the portion is to be annexed, and the portion of the township which is to be annexed, with the vote in each unit to be counted separately.

(6) If a petition is filed as provided in subsection (5), the county clerk, after determining the validity of the petition, shall order a referendum on the question of annexation. This referendum shall occur within 1 year after the validation of the petitions. The referendum shall be held at the first primary or general election held in that county not less than 60 days after the validation of the petition, or in compliance with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(7) A village having a population of 4,200 or more shall not be annexed to a contiguous unit of government unless a majority of the qualified and registered electors residing within the village vote in favor of the annexation at an election held under the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(8) The common boundary of a charter township and a city or village may be adjusted by resolution approved by a majority of each of the respective governing bodies after the governing bodies give 90 days' notice to property owners in the area proposed for the boundary adjustment, and the governing bodies conduct a public hearing on the proposed boundary adjustment.

### **Effective date.**

Enacting section 1. This amendatory act takes effect January 1, 2005.

### **Conditional effective date.**

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

- (a) Senate Bill No. 877.
- (b) House Bill No. 4820.
- (c) House Bill No. 4823.
- (d) House Bill No. 4824.
- (e) House Bill No. 4825.
- (f) House Bill No. 4826.
- (g) House Bill No. 4827.
- (h) House Bill No. 4828.

Approved January 8, 2004.

Filed with Secretary of State January 8, 2004.

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#### **Compiler's note:** The bills referred to in enacting section 2 were enacted into law as follows:

Senate Bill No. 877 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 298, Eff. Jan. 1, 2005.  
House Bill No. 4820 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 299, Eff. Jan. 1, 2005.  
House Bill No. 4823 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 301, Eff. Jan. 1, 2005.  
House Bill No. 4824 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 302, Eff. Mar. 30, 2004.  
House Bill No. 4825 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 303, Eff. Jan. 1, 2005.  
House Bill No. 4826 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 304, Eff. Jan. 1, 2005.  
House Bill No. 4827 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 305, Eff. Jan. 1, 2005.  
House Bill No. 4828 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 306, Eff. Jan. 1, 2005.

**[No. 301]****(HB 4823)**

AN ACT to amend 1989 PA 292, entitled “An act to authorize certain local governmental units to create certain councils under certain circumstances; to prescribe the powers and duties of councils established under this act; and to authorize certain councils established under this act to levy a property tax,” by amending section 27 (MCL 124.677), as amended by 1998 PA 373.

*The People of the State of Michigan enact:*

**124.677 Tax election generally.**

Sec. 27. (1) A proposal for a tax authorized to be levied by a council under this act shall not be placed on the ballot unless the proposal is adopted by a resolution of the council and certified by the council not later than 70 days before the election to the county clerk of each county in which all or part of a participating city, village, or township is located for inclusion on the ballot. The proposal shall state the amount and duration of the millage and shall be certified for inclusion on the ballot at the next general election, the state primary immediately preceding the general election, or a special election at a proposed date not within 45 days of a state primary or a general election, as specified by the council’s resolution. A proposed special election date shall be scheduled in compliance with the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

(2) The county election commission shall provide ballots for an election for a tax proposal for each city, village, or township or part of a city, village, or township located within the county that is participating in a council under this act.

(3) Except as otherwise provided in subsections (4) and (5), an election for a tax shall be conducted by the city and township clerks and election officials of the cities and townships participating in a council under this act.

(4) If an election on a proposal for a tax is to be held in conjunction with a general election or state primary election and if a village participating in a council under this act is located within a nonparticipating township, the township clerk and election officials shall conduct the election. On the forty-fifth day preceding the election, the village clerk or other official maintaining a file of qualified and registered electors of the village shall provide to the township clerk a list containing the name, address, and birth date of each qualified and registered elector of the village. By the fifteenth day preceding the election, the village clerk or other official providing the list shall provide to the township clerk information updating the list as of the close of registration. Persons appearing on the list as updated are eligible to vote in the election by special ballot.

(5) If a tax is to be voted on at a special election not held in conjunction with a general election or state primary election and if a village participating in a council under this act is located within a nonparticipating township, the village clerk and election officials shall conduct the election.

**Effective date.**

Enacting section 1. This amendatory act takes effect January 1, 2005.

**Conditional effective date.**

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

- (a) Senate Bill No. 877.
- (b) House Bill No. 4820.

- (c) House Bill No. 4822.
- (d) House Bill No. 4824.
- (e) House Bill No. 4825.
- (f) House Bill No. 4826.
- (g) House Bill No. 4827.
- (h) House Bill No. 4828.

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**Compiler's note:** The bills referred to in enacting section 2 were enacted into law as follows:

Senate Bill No. 877 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 298, Eff. Jan. 1, 2005.  
House Bill No. 4820 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 299, Eff. Jan. 1, 2005.  
House Bill No. 4822 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 300, Eff. Jan. 1, 2005.  
House Bill No. 4824 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 302, Eff. Mar. 30, 2004.  
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House Bill No. 4826 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 304, Eff. Jan. 1, 2005.  
House Bill No. 4827 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 305, Eff. Jan. 1, 2005.  
House Bill No. 4828 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 306, Eff. Jan. 1, 2005.

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**[No. 302]**

**(HB 4824)**

AN ACT to amend 1954 PA 116, entitled “An act to reorganize, consolidate, and add to the election laws; to provide for election officials and prescribe their powers and duties; to prescribe the powers and duties of certain state departments, state agencies, and state and local officials and employees; to provide for the nomination and election of candidates for public office; to provide for the resignation, removal, and recall of certain public officers; to provide for the filling of vacancies in public office; to provide for and regulate primaries and elections; to provide for the purity of elections; to guard against the abuse of the elective franchise; to define violations of this act; to provide appropriations; to prescribe penalties and provide remedies; and to repeal certain acts and all other acts inconsistent with this act,” by amending sections 2, 3, 4, 30a, 321, 322, 358a, 370, 381, 382, 500f, 500g, 501a, 505, 509n, 509r, 509gg, 538, 635, 643, 644e, 644g, 644k, 646a, 690, 821, 862, 863, 954, 963, 971, and 972 (MCL 168.2, 168.3, 168.4, 168.30a, 168.321, 168.322, 168.358a, 168.370, 168.381, 168.382, 168.500f, 168.500g, 168.501a, 168.505, 168.509n, 168.509r, 168.509gg, 168.538, 168.635, 168.643, 168.644e, 168.644g, 168.644k, 168.646a, 168.690, 168.821, 168.862, 168.863, 168.954, 168.963, 168.971, and 168.972), sections 2 and 971 as amended by 2002 PA 163, section 321 as amended by 1994 PA 277, section 322 as amended by 1999 PA 218, section 358a as amended by 1990 PA 235, section 370 as amended by 1990 PA 83, section 381 as amended by 1991 PA 16, section 501a as amended by 1995 PA 87, section 509n as amended by 1999 PA 216, sections 509r and 509gg as added by 1994 PA 441, section 643 as amended by 1998 PA 364, section 646a as amended by 2002 PA 431, section 821 as amended by 1988 PA 275, section 963 as amended by 1999 PA 220, and section 972 as amended by 1989 PA 26, and by adding chapter XIV and sections 642, 642a, and 659; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

**168.2 Definitions; A to I.**

Sec. 2. As used in this act:

- (a) “Absent voter” is defined in section 758.

(b) “Ballot container” is defined in section 14a.

(c) “Business day” or “secular day” means a day that is not a Saturday, Sunday, or legal holiday.

(d) “Clearly observable boundaries” is defined in section 654a.

(e) “Election” means an election or primary election at which the electors of this state or of a subdivision of this state choose or nominate by ballot an individual for public office or decide a ballot question lawfully submitted to them.

(f) “Election precinct” is defined in section 654.

(g) “Fall” state and county conventions and “spring” state and county conventions are assigned meanings in section 596.

(h) “General election” or “general November election” means the election held on the November regular election date in an even numbered year.

(i) “Immediate family” means an individual’s father, mother, son, daughter, brother, sister, and spouse and a relative of any degree residing in the same household as that individual.

### **168.3 Definitions; L to R.**

Sec. 3. As used in this act:

(a) “Locked and sealed” is defined in section 14.

(b) “Major political party” is defined in section 16.

(c) “Metal seal” or “seal” is defined in section 14a.

(d) “Name that was formally changed” means a name changed by a proceeding under chapter XI of the probate code of 1939, 1939 PA 288, MCL 711.1 to 711.3, or former 1915 PA 314, or through a similar, statutorily sanctioned procedure under the law of another state or country.

(e) “Odd year general election” means the election held on the November regular election date in an odd numbered year.

(f) “Odd year primary election” means the election held on the August regular election date in an odd numbered year.

(g) “Primary” or “primary election” is defined in section 7.

(h) “Qualified elector” is defined in section 10.

(i) “Qualified voter file” is defined in section 509m.

(j) “Regular election” means an election held on a regular election date to elect an individual to, or nominate an individual for, elective office in the regular course of the terms of that elective office.

(k) “Regular election date” means 1 of the dates established as a regular election date in section 641.

(l) “Residence” is defined in section 11.

### **168.4 Definitions; S to V.**

Sec. 4. As used in this act:

(a) “School board” means the governing body of a school district, including the board of trustees of a community college.

(b) “School board member” means an individual holding the office of school board member under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or the office of board of trustees member under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195. School board member includes a school board member of an intermediate

school district if that intermediate school district has adopted sections 615 to 617 of the revised school code, 1976 PA 451, MCL 380.615 to 380.617.

(c) “School district” means a school district, a local act school district, or an intermediate school district, as those terms are defined in the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, or a community college district under the community college act of 1966, 1966 PA 331, MCL 389.1 to 389.195.

(d) “School district election coordinating committee” means 1 of the following:

(i) For a school district whose entire territory lies within a single city or township, a committee composed of the secretary of the school board or his or her designee, the city or township election commission, and the school district election coordinator.

(ii) For a school district that has territory in more than 1 city or township, a committee composed of the secretary of the school board or his or her designee, the school district election coordinator, and the clerk of each city or township in which school district territory is located.

(e) “School district election coordinator” means 1 of the following:

(i) For a school district whose entire territory lies within a single city or township, the city or township clerk.

(ii) For a school district that has territory in more than 1 city or township, the county clerk of the county in which the largest number of registered school district electors reside.

(f) “September primary election” means the primary election, or for a village that holds its regular election for a village office in September, the regular election, held on the first Tuesday after the second Monday in September in an odd year.

(g) “Special election” means an election to elect an individual to, or nominate an individual for, a partial term in office or to submit a ballot question to the electors.

(h) “Special primary” means a primary called by competent authority for the nomination of candidates to be voted for at a special election.

(i) “Uniform voting system” means the voting system that is used at all elections in every election precinct throughout the state.

(j) “Village” is defined in section 9.

**168.30a Board of city or township canvassers; powers and duties; members, appointment, terms, notice; contract with county for services of board of county canvassers; cost.**

Sec. 30a. (1) A 4-member board of canvassers is established in every city and township having more than 5 precincts, notwithstanding a statutory or charter provision, or other rule or law, to the contrary. All of the powers granted to and duties required by law to be performed by city and township boards of canvassers are granted to and required to be performed by the boards of city and township canvassers in cities and townships having more than 5 precincts. Members of the board of canvassers shall be appointed for terms of 4 years beginning the January 1 after their appointment. Members of the board of canvassers shall be notified of their appointment within 5 days after appointment by their city or township clerk.

(2) The city council or the township board of a city or township having more than 5 precincts may contract with the board of commissioners of the county in which all or the greater portion of the city or township’s population resides to provide that the board of county canvassers of that county shall perform all the functions of the board of city or township canvassers. Financial arrangements of a contract with the board of commissioners may provide that the city or township shall bear all or part of the cost of the work of the county board of canvassers.

## CHAPTER XIV

## SCHOOL AND COMMUNITY COLLEGE ELECTIONS

**168.301 School district election; school district election coordinator; duties; delegation.**

Sec. 301. (1) Unless a particular power or duty of an election official or a particular election procedure is specifically governed by a provision of this chapter, a school district election is governed by the provisions of this act that generally govern elections.

(2) Except as provided in section 305, the school district election coordinator for a school district shall conduct each regular election and each special election that is requested by the school board to submit a ballot question or to fill a vacancy on the school board. In addition to receiving requests from the school board to hold special elections, the school district election coordinator shall do all of the following:

- (a) Receive filing fees or nominating petitions and affidavits of identity from candidates for school board and petitions for special elections.
- (b) Procure the necessary qualified voter file precinct lists.
- (c) Certify candidates.
- (d) Receive ballot proposal language.
- (e) Issue absent voter ballots.

(3) A school district election coordinator who is a county clerk may delegate, if the city or township clerk agrees, all or a portion of the school district election coordinator's duties to that city or township clerk.

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

- (a) Distribute, receive, and process absent voter ballot applications for a school election.
- (b) Make voting systems available for the conduct of a school election.
- (c) Make available to the school district election coordinator the list of election inspectors for that city or township.

**168.302 School board member; eligibility; election; terms.**

Sec. 302. An individual is eligible for election as a school board member if the individual is a citizen of the United States and is a qualified and registered elector of the school district the individual seeks to represent by the filing deadline. At least 1 school board member for a school district shall be elected at each of the school district's regular elections held as provided in section 642a. Except as otherwise provided in this section or section 310 or 644g, a school board member's term of office is prescribed by the applicable provision of section 11a, 617, 701, or 703 of the revised school code, 1976 PA 451, MCL 380.11a, 380.617, 380.701, and 380.703, or section 34, 34a, 41, 54, or 83 of the community college act of 1966, 1966 PA 331, MCL 389.34, 389.34a, 389.41, 389.54, and 389.83. A school board member's term begins on 1 of the following dates:

- (a) If elected at an election held on a November regular election date, January 1 immediately following the election.
- (b) If elected at an election held on a May regular election date, July 1 immediately following the election.

**168.303 Appearance of candidate's name on official ballot; nominating petition; form; filing fee; signatures; withdrawal.**

Sec. 303. (1) Subject to subsection (4), for an individual's name to appear on the official ballot as a candidate for school board member, the candidate shall file a nominating petition



and the affidavit required by section 558 with the school district filing official not later than 4 p.m. on the twelfth Tuesday before the election date. The nominating petition must be signed by the following number of electors of the school district:

(a) If the population of the school district is less than 10,000 according to the most recent federal census, a minimum of 6 and a maximum of 20.

(b) If the population of the school district is 10,000 or more according to the most recent federal census, a minimum of 40 and a maximum of 100.

(2) The nominating petition shall be substantially in the form prescribed in section 544c, except that the petition shall be nonpartisan and shall include the following opening paragraph:

We, the undersigned, registered and qualified voters of \_\_\_\_\_ and residents of the \_\_\_\_\_, the county of \_\_\_\_\_, state of Michigan, nominate \_\_\_\_\_

(legal name of school district)

(city or township)

(name of candidate)

(street address)

(city or township)

a registered and qualified elector of the district as a member of the board of education of the school district for a term of \_\_\_\_\_ years, expiring \_\_\_\_\_, to be voted for at the election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(month)

(year)

(3) A school elector shall not sign petitions for more candidates than are to be elected.

(4) Instead of filing nominating petitions, a candidate for school board member may pay a nonrefundable filing fee of \$100.00 to the school district filing official. If this fee is paid by the due date for a nominating petition, the payment has the same effect under this section as the filing of a nominating petition.

(5) A nominating petition filed under this chapter is subject to the examination and investigation process prescribed in section 552 as to its sufficiency and the validity and genuineness of the signatures on the nominating petition, and to the other procedures prescribed in that section relevant to a petition filed under this chapter.

(6) After a nominating petition is filed or filing fee is paid for a candidate for school board member, the candidate is not permitted to withdraw unless a written withdrawal notice, signed by the candidate, is filed with the school district filing official not later than 4 p.m. of the third day after the last day for filing the nominating petition. If the school district filing official is not a county clerk, the school district filing official shall notify the county clerk of the candidates' names and addresses not later than 3 days after the last day for filing a withdrawal notice.

### **168.305 School district election coordinating committee; meeting; report; election arrangements; precincts.**

Sec. 305. (1) Within 30 days after the effective date of this chapter, the school district election coordinating committee for each school district shall hold an initial meeting. Within 14 days after convening the initial meeting, the school district election coordinating committee shall file a report with the secretary of state that sets forth the arrangements that are agreed upon for the conduct of the school district's elections. Each school district election coordinating committee member shall sign the report and retain a copy.

(2) After filing its initial report under subsection (1), a school district election coordinating committee shall meet at 2-year intervals to review and, if necessary, alter the election arrangements set forth in its previous report. After each review, a school district election coordinating committee shall either notify the secretary of state in writing

that its previous report is not being altered or file with the secretary of state a report with the alterations. Election arrangements made by the clerks of the jurisdictions participating in the school district election coordinating committee meeting are binding on the participating jurisdictions for at least 2 years after the report is filed, and each jurisdiction continues to be bound until an altered report is filed.

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

(a) If a school district election is held on the same day as an election of a jurisdiction that overlaps with the school district, an elector wishing to vote in both elections shall not be required to vote at 2 different locations.

(b) If, before the filing of an initial report or of the notice or altered report after its 2-year review, a city or township clerk notifies the school district election coordinating committee that the city or township clerk has decided to participate in the conduct of the school district's elections, the school district election coordinating committee shall include that city or township clerk in its initial or an altered report as the person conducting the school district's elections in the clerk's city or township.

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

### **168.307 Statement of returns; certification of election; votes subject to recount.**

Sec. 307. (1) The appropriate board of canvassers as prescribed in section 24a or 30a shall canvass the votes for candidates for school board member and votes for and against a ballot question at a regular or special election in each school district. That number of candidates equal to the number of individuals to be elected who receive the greatest number of votes cast at the election, as set forth in the report of the board of canvassers canvassing the votes, based upon the returns from the election precincts or as determined by the board of canvassers as a result of a recount, are elected to the office of school board member. Upon completion of the canvass, the board of canvassers shall make a statement of returns and certify the election of school board members to the secretary of the school board, the county clerk, and, if other than the county clerk, the school district election coordinator.

(2) The votes cast for a candidate for school board member or on a ballot question submitted to the electors at a school election are subject to recount as provided in chapter XXXIII. An individual elected to the office of school board member is subject to recall as provided in chapter XXXVI and in section 8 of article II of the state constitution of 1963.

### **168.308 Certification of board of canvassers; preservation; filing; execution.**

Sec. 308. A local official who receives the certification of the board of canvassers under section 307 shall preserve and file in his or her office the certified statement of returns and certification of the board of canvassers of the result of the election. The city, township,

or county clerk who is the secretary to the board of canvassers canvassing the school board election shall immediately execute and provide to the individuals declared elected to the office of school board member a certificate of election.

### **168.310 Office of school board member; oath; vacancy; conditions.**

Sec. 310. (1) Before entering upon the duties of his or her office, an individual elected to the office of school board member shall take and subscribe to the oath provided in section 1 of article XI of the state constitution of 1963.

(2) The office of a school board member becomes vacant immediately, regardless of declaration by an officer or acceptance by the school board or 1 or more of its members, upon any of the following events:

- (a) The death of the school board member.
- (b) The school board member's being adjudicated insane or being found to be a legally incapacitated individual by a court of competent jurisdiction.
- (c) The school board member's resignation.
- (d) The school board member's removal from office.
- (e) The school board member's conviction for a felony.
- (f) The school board member's election or appointment being declared void by a competent tribunal.
- (g) The school board member's neglect or failure to file the acceptance of office, to take the oath of office, or to give or renew an official bond required by law.
- (h) The school board member ceasing to possess the legal qualifications for holding office.
- (i) The school board member moving his or her residence from the school district.

### **168.311 Vacancy; appointment; election.**

Sec. 311. (1) If less than a majority of the offices of school board member of a school district become vacant, the remaining school board members shall fill each vacant office by appointment. If a vacancy in the office of school board member is not filled within 30 days after the vacancy occurs or if a majority of the offices of school board member of a school district become vacant, the intermediate school board for that school district shall fill each vacancy by appointment. An individual appointed under this subsection serves until a successor is elected and qualified.

(2) If a vacancy occurs in an office of school board member more than 90 days before a regular school election, an election shall be held at that regular school election to fill that office for the remainder of the office's unexpired term, if any. This subsection applies regardless of whether an individual is appointed under subsection (1) to fill the vacancy.

### **168.312 Ballot question; submission; certification of ballot question language; scheduling of special election date.**

Sec. 312. (1) A school board may submit a ballot question to the school electors on a regular election date, on a date when a city or township within the school district's jurisdiction is holding an election by adopting a resolution to that effect not less than 70 days before the election date, or on a special election date as provided in section 641(4). The school board shall certify the ballot question language to the school district election coordinator not less than 70 days before the election date. If the ballot question is submitted on the same date as an election for a state or county office, the school district

election coordinator shall send a copy of the ballot question language to the county clerk of each county not less than 68 days before the election.

(2) If a special election is called on a date provided under section 641(4), the school district election coordinating committee shall schedule the special election date.

### **168.315 Payment by school district to county, city, and township.**

Sec. 315. (1) A school district shall pay to each county, city, and township that conducts a regular or special election for the school district an amount determined in accordance with this section.

(2) If a school district's regular or special election is held in conjunction with another election conducted by a county, city, or township, the school district shall pay the county, city, or township 100% of the actual additional costs attributable to conducting the school district's regular or special election. If a school district's regular or special election is not held in conjunction with another election conducted by a county, city, or township, the school district shall pay the county, city, or township 100% of the actual costs of conducting the school district's regular or special election.

(3) The county, city, or township shall present to a school district a verified account of actual costs of conducting the school district's regular or special election not later than 84 days after the date of the election. The school board shall pay or disapprove all or a portion of the verified account within 84 days after the school district receives a verified account of actual costs under this subsection.

(4) If the school board disapproves all or a portion of a verified account of actual costs under subsection (3), the school board shall send a notice of disapproval along with the reasons for the disapproval to the county, city, or township. Upon request of a county, city, or township whose verified account or portion of a verified account was disapproved under this section, the school board shall review the disapproved costs with the county, city, or township.

(5) A school board, county, city, or township shall use the agreement made between the department of treasury and the secretary of state, as required by section 487, as a basis for preparing and evaluating verified accounts under this section. The secretary of state shall assist a school board, county, city, or township in preparing and evaluating a verified account under this section. If a county, city, or township and a school board cannot agree on the actual costs of an election as prescribed by this section, the secretary of state shall determine those actual costs.

### **168.321 City officers; qualifications, nomination, election, appointment, term, and removal; list of candidates; quorum; election or appointment of successor.**

Sec. 321. (1) Except as provided in subsection (3) and sections 327, 641, 642, and 644g, the qualifications, nomination, election, appointment, term of office, and removal from office of a city officer shall be in accordance with the charter provisions governing the city.

(2) Within 3 days after the last day on which a candidate for a city office may withdraw, the city clerk shall deliver to the county clerk of the county in which the city is located a list setting forth the name and address of each candidate for a city office.

(3) If the membership of the legislative body of a city governed by the home rule city act, 1909 PA 279, MCL 117.1 to 117.38, is reduced to less than a quorum, unless another method of appointing members of the legislative body is provided by the city charter, members of the legislative body are appointed as provided in this subsection. The board of county election commissioners of the county in which the largest portion of the

population of the city resides shall appoint the number of members of the legislative body required to constitute a quorum for the transaction of business by the legislative body. A member of the legislative body appointed under this subsection shall hold the office only until the member's successor is elected and qualified. The successor shall be elected at a special or regular election on the next regular election date that is not less than 60 days after the appointment is made. The successor shall serve for the balance of the unexpired term. A member who is appointed under this subsection shall not vote on the appointment of himself or herself to an elective or appointive city office.

(4) Notwithstanding another provision of law or charter to the contrary, an appointment to an elective or appointive city office made by a quorum constituted by appointments under this section expires upon the election and qualification of a sufficient number of members of the legislative body so that the elected members constitute a quorum.

### **168.322 Candidates for city offices; nominating petitions; signatures; form; filing; exception.**

Sec. 322. For the name of a candidate of a political party for a city office, including a ward office, to appear under the particular party heading on the official primary election ballots for use in the city, a nominating petition shall be filed with the city clerk not later than 4 p.m. on the twelfth Tuesday before the August primary, or not later than 4 p.m. on the twelfth Tuesday before the September primary election for a city that holds a September primary election. A nominating petition shall be signed by a number of qualified and registered electors of the political party who reside in the city or ward as determined under section 544f. This section does not apply to a city if the city charter provides for a different method of nominating candidates for public office. The form of the petition shall be as provided in section 544c.

### **168.358a Special election; purpose; notice.**

Sec. 358a. The township board of a township may call a special election to be held in the township for the purpose of submitting a ballot question to the electors of the township. A special election shall be held on a regular election date. Notice of the special election shall be given in the same manner required by section 653a.

### **168.370 Filling vacancy in township office; procedure.**

Sec. 370. (1) Except as provided in subsection (2), if a vacancy occurs in an elective or appointive township office, the vacancy shall be filled by appointment by the township board, and the person appointed shall hold the office for the remainder of the unexpired term.

(2) If 1 or more vacancies occur in an elective township office that cause the number of members serving on the township board to be less than the minimum number of board members that is required to constitute a quorum for the transaction of business by the board, the board of county election commissioners shall make temporary appointment of the number of members required to constitute a quorum for the transaction of business by the township board. An official appointed under this subsection shall hold the office only until the official's successor is elected or appointed and qualified. An official who is temporarily appointed under this subsection shall not vote on the appointment of himself or herself to an elective or appointive township office.

(3) If a township official submits a written resignation from an elective township office, for circumstances other than a resignation related to a recall election, that specifies a date and time when the resignation is effective, the township board, within 30 days before that

effective date and time, may appoint a person to fill the vacancy at the effective date and time of the resignation. The resigning official shall not vote on the appointment.

(4) Except as provided in subsection (5), if the township board does not make an appointment under subsection (3), or if a vacancy occurs in an elective township office and the vacancy is not filled by the township board or the board of county election commissioners within 45 days after the beginning of the vacancy, the county clerk of the county in which the township is located shall notify the governor of the fact. The governor shall call a special election to fill the vacancy. The governor shall provide for the date for the filing of the petitions, and that date shall also be the last date to register for the special primary election. A special primary or election called by the governor under authority of this section does not affect the rights of a qualified elector to register for any other election. A person elected to fill a vacancy shall serve for the remainder of the unexpired term.

(5) Subsection (4) does not apply to the office of township constable. If a vacancy occurs in the office of township constable, the township board shall determine if and when the vacancy shall be filled by appointment. If the township board does not fill the vacancy by appointment, the office of township constable shall remain vacant until the next general or special election in which township offices are filled.

### **168.381 Village officers; qualifications, nomination, election, appointment, term, and removal; list of candidates; temporary appointment of trustees for transaction of business.**

Sec. 381. (1) Except as provided in subsection (2) and sections 383, 641, 642, and 644g, the qualifications, nomination, election, appointment, term of office, and removal from office of a village officer shall be as determined by the charter provisions governing the village.

(2) If the membership of the village council of a village governed by the general law village act, 1895 PA 3, MCL 61.1 to 74.25, is reduced to less than a quorum of 4 and a special election for the purpose of filling all vacancies in the office of trustee is called under section 13 of chapter II of the general law village act, 1895 PA 3, MCL 62.13, temporary appointments of trustees shall be made as provided in this subsection. The board of county election commissioners of the county in which the largest portion of the population of the village is situated shall make temporary appointment of the number of trustees required to constitute a quorum for the transaction of business by the village council. A trustee appointed under this subsection shall hold the office only until the trustee's successor is elected and qualified. A trustee who is temporarily appointed under this subsection shall not vote on the appointment of himself or herself to an elective or appointive village office.

(3) Notwithstanding another provision of law or charter to the contrary, an appointment to an elective or appointive village office made by a quorum constituted by temporary appointments under this subsection expires upon the election and qualification of trustees under the special election called to fill the vacancies in the office of trustee.

### **168.382 Village officers; nomination and election.**

Sec. 382. Except as otherwise provided in this act, the general law village act, 1895 PA 3, MCL 61.1 to 74.25, or the home rule village act, 1909 PA 278, MCL 78.1 to 78.28, if the charter of a village does not specify the time, manner, and means of nominating and electing its public officers, the village shall nominate and elect its officers in accordance with the provisions governing the selection of township officers, as provided in chapter XV.

**168.500f Transmitting information to village clerk.**

Sec. 500f. The clerk of a township shall transmit to the village clerk of a village that lies partly or completely in the township the information necessary to complete the village registration of a person registered under sections 500a to 500j.

**168.500g Swearing to and signing registration card; place; retention or transmittal of application; application form allowing attachment of completed affidavit to registration card; when signing of registration card not required.**

Sec. 500g. A registration card prepared under sections 500a to 500j shall be sworn to and signed by the voter at the first election during which the voter appears at the polls, or may be signed in the clerk's office. The application shall be retained by the city or township clerk for signature purposes until the registration card is signed, except that the application shall be sent to the appropriate precinct for each election until the registration card is signed. The secretary of state may provide an application form that allows a completed attestation to be attached to a registration card prepared by a local clerk. The registrant shall not be required to sign a registration card if the completed attestation is attached.

**168.501a Registration list; creation; alphabetical arrangement; contents; use of registration list instead of precinct registration file; signature file.**

Sec. 501a. The board of election commissioners of a city, village, or township may authorize the clerk of the city, village, or township to create a registration list. The registration list shall be alphabetically arranged and shall contain the name of each registered elector in a precinct. The name shall be followed by the address and date of birth of the elector. The board of election commissioners may also provide that the registration list may be used instead of the precinct registration file when this act provides for the use of a precinct registration file. A city, village, or township shall maintain a file containing the signature of each elector registered in the city, village, or township.

**168.505 Authorization to cancel previous registration; signature; form; notice of cancellation; effect of previous address in another state; duties of clerk; authorization to cancel or notice received from another state.**

Sec. 505. (1) At the time an elector is applying for registration, the registration officer shall ascertain if the elector is already registered as a voter. If the elector is previously registered, the elector shall at the time of applying for registration sign an authorization to cancel a previous registration. The secretary of state shall prescribe forms for this purpose. The form may be a part of the application or a separate form. The clerk of the city or township in which the elector is newly registered shall notify the registration officer of the place of previous registration of the authorization to cancel.

(2) An authorization to cancel that indicates a previous address in a state other than this state shall be forwarded to the secretary of state of that state. Notice may be made by forwarding the separate cancellation form, by forwarding the portion of an application listing a previous place of registration, or by forwarding a list certified by the clerk containing the names of people authorizing cancellation.

(3) Notices of cancellation shall contain the name, birth date, and address at which the elector was previously registered, and the name of the city or township of previous

registration of all persons authorizing cancellations. Notices shall be sent within 30 days after receipt, but not later than 5 days after the close of registration.

(4) Upon receipt of the notice, the clerk shall cancel the registration of the persons listed on the notice. The clerk receiving the notice shall also notify the clerk of each village in which a person listed on the notice resides of receipt of an authorization to cancel. An authorization to cancel a voter registration signed by the voter and received from another state or a notice from an election official of another state that an elector has registered in that state has the same force and effect as the notice of authorization to cancel of this state.

**168.509n Secretary of state; duties in coordination with national voter registration act of 1993.**

Sec. 509n. The secretary of state is responsible for the coordination of the requirements imposed under this chapter and the national voter registration act of 1993. The secretary of state shall do all of the following:

(a) Develop a mail registration form and make the form available for distribution through governmental and private entities, with special emphasis on making the form available to voter registration programs established for the purpose of registering citizens of this state to vote.

(b) Instruct designated voter registration agencies and county, city, township, and village clerks about the voter registration procedures and requirements imposed by law.

(c) By June 15 of each odd numbered year, submit to each member of the committees of the senate and house of representatives with primary responsibility for election matters a report on the qualified voter file. The report shall include, but need not be limited to, both of the following:

(i) Information on the efficiency and effectiveness of the qualified voter file as a voter registration system.

(ii) Recommendations of the secretary of state for amendments to this act to increase the efficiency and effectiveness of the qualified voter file as a voter registration system.

**168.509r Qualified voter file; establishment and maintenance of computer system and programs; access; verification of accuracy; compilation of electors; sources; person whose name does not appear in file; requirements; adding, deleting, or changing information.**

Sec. 509r. (1) The secretary of state shall establish and maintain the computer system and programs necessary to the operation of the qualified voter file. The secretary of state shall allow each county, city, township, or village access to the qualified voter file. The county, city, township, and village clerks shall verify the accuracy of the names and addresses of registered voters in the qualified voter file.

(2) Subject to subsection (3), the secretary of state and county, city, township, and village clerks shall compile the qualified voter file that consists of all qualified electors from the following sources and in the following priority:

(a) A driver's license or, if there is no driver's license, a state personal identification card, including renewals and changes of address with the department of state.

(b) An application for benefits or services, including renewals and changes of address, taken by a designated voter registration agency.

(c) An application to register to vote taken by a county, city, township, or village clerk.



(3) A person whose name does not otherwise appear in the qualified voter file shall be placed in the qualified voter file only if the person signs under penalty of perjury an application that contains an attestation that the applicant meets all of the following requirements:

- (a) Is 17-1/2 years of age or older.
- (b) Is a citizen of the United States and this state.
- (c) Is a resident of the city or township where the person's street address is located.

(4) A designated voter registration agency or a county, city, township, or village clerk shall not add to, delete from, or change any information contained in the qualified voter file during the period beginning on the seventh day before an election and ending on the day of the election.

### **168.509gg Information exempt from freedom of information act.**

Sec. 509gg. The information described in this section that is contained in a registration record is exempt from the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246. The secretary of state, a designated voter registration agency, or a county, city, township, or village clerk shall not release a copy of that portion of a registration record that contains any of the following:

- (a) The record that a person declined to register to vote.
- (b) The office that received a registered voter's application.
- (c) A registered voter's driver's license or state personal identification card number.
- (d) The month and day of birth of a registered voter.
- (e) The telephone number provided by the registered voter.

### **168.538 Primary election; notice; posting; publication.**

Sec. 538. Primary election notices shall be published and posted as provided in section 653a.

### **168.635 Special elections; referendum.**

Sec. 635. A special election for the submission of a proposition may be held on a regular election date.

### **168.642 Regular election or regular primary election; effective date.**

Sec. 642. (1) Except as otherwise provided in this section and section 642a, on the effective date of this act, a city shall hold its regular election or regular primary election as follows:

- (a) A city shall hold its regular election for a city office at the odd year general election.
- (b) A city shall hold its regular election primary at the odd year primary election.
- (c) A city that holds its regular election for a city office annually on the November regular election date shall continue holding elections on that schedule.

(2) If, on the effective date of this section, a city holds its regular election at other than the odd year general election or annually on the regular November election date, the city council may choose to hold the regular election on the May regular election date by adopting a resolution in compliance with this section. Except as provided in section 642a, if a city council adopts the resolution in compliance with this section to hold its regular election on the May regular election date, after December 31, 2004, the city's regular election is on the May regular election date. If a city's regular election is held on the May

regular election date, the city's regular election primary shall be held on the February regular election date immediately before its regular election.

(3) If, on the effective date of this section, a city holds its regular election annually on the November regular election date, the city council may choose to hold the regular election at the odd year general election by adopting a resolution in compliance with this section. Except as provided in section 642a, if a city council adopts the resolution in compliance with this section to hold its regular election at the odd year general election, after December 31, 2004, the city's regular election is at the odd year election. If a city's regular election is held at the odd year general election, the city's regular election primary shall be held at the odd year primary election.

(4) If, on the effective date of this section, a city holds its regular election primary at the September primary election, the city council may choose to continue holding its regular election primary at the September primary election by adopting a resolution in compliance with this section. Except as provided in section 642a(2), if a city council adopts the resolution in compliance with this section to hold its regular election primary at the September primary election, after December 31, 2004, the city's regular election primary is at the September primary election.

(5) Except as otherwise provided in this section and section 642a, on the effective date of this act, a village shall hold its regular election as follows:

(a) A village shall hold its regular election for a village office at the general election and the appropriate township clerk shall conduct the election.

(b) A village shall not hold a regular primary election.

(6) A village council may choose to hold the regular election at the September primary election by adopting a resolution in compliance with this section. Except as provided in section 642a, if a village council adopts the resolution in compliance with this section to hold its regular election at the September primary election, after December 31, 2004, the village's regular election is at the September primary election. If a village's regular or special election is held in conjunction with another election conducted by a township, the village shall pay the township a proportionate share of the election expenses. If a village's regular or special election is not held in conjunction with another election conducted by a township, the village shall pay the township 100% of the actual costs of conducting the village's regular or special election.

(7) Except as otherwise provided in this section and section 642a, on the effective date of this act, a school district shall hold its regular election for the office of school board member at the odd year general election.

(8) If, on the effective date of this section, a school district holds its regular election at other than the odd year general election, the school district's school board may choose to hold its regular election on 1 of the following by adopting a resolution in compliance with this section:

(a) The odd year May regular election date.

(b) The general election in both even and odd years.

(c) The May regular election date in both even and odd years.

(9) A resolution permitted under section 642a is valid only if a city council, village council, or school board adopts the resolution in compliance with all of the following:

(a) The resolution is adopted before 1 of the following:

(i) If the resolution is permitted under subsection (2), (3), (4), (6), or (8) of this section, January 1, 2005.

(ii) If the resolution is permitted under section 642a(1), (2), or (3), January 1 of the year in which the change in the date of the election takes effect.

(b) Before adopting the resolution, the council or school board holds at least 1 public hearing on the resolution.

(c) The council or school board gives notice of each public hearing on the resolution in a manner designed to reach the largest number of the jurisdiction's qualified electors in a timely fashion, and the notice states at least the following, as applicable:

(i) That the hearing is being held on the issue of whether to schedule the city's regular election on the May regular election date and that, if the resolution is not adopted, the city's regular election will be held at the odd year general election.

(ii) That the hearing is being held on the issue of whether to schedule the city's regular election primary at the September primary election and that, if the resolution is not adopted, the city's regular election primary will be held on the odd year primary election.

(iii) That the hearing is being held on the issue of whether to schedule the village's regular election at the September primary election and that, if the resolution is not adopted, the village's regular election will be held at the general election.

(iv) That the hearing is being held on the issue of whether to schedule the school district's regular election at other than the odd year general election and that, if the resolution is not adopted, the school district's regular election will be held at the odd year general election. The notice shall specifically state the regular election date permitted under subsection (8) on which the school board is proposing that the school district's regular election be held.

(v) That the hearing is being held on the issue of whether to schedule the school district's regular election at the odd year general election and that, if the resolution is not adopted, the school district's regular election will continue to be held on the date on which it is currently being held.

(d) The council or school board votes on the resolution immediately following the close of a public hearing on the resolution and, on a record roll call vote, a majority of the council's or school board's members, elected or appointed, and serving, adopt the resolution.

(e) The council or school board files the resolution with the secretary of state.

(10) This section takes effect September 1, 2004.

### **168.642a Change of regular election or regular primary election to odd year; effective date.**

Sec. 642a. (1) After December 31, 2004, a city council that adopted a resolution so that its regular election is held on the May regular election date may change its regular election to the odd year general election by adopting a resolution in compliance with section 642. If a city council adopts the resolution in compliance with section 642 to hold its regular election at the odd year general election, after December 31 of the year in which the resolution is adopted, the city's regular election is at the odd year general election.

(2) After December 31, 2004, a city council that adopted a resolution so that its regular election primary is held at the September primary election may change its regular election primary to the odd year primary election by adopting a resolution in compliance with section 642. If a city council adopts the resolution in compliance with section 642 to hold its regular election primary on the odd year primary election date, after December 31 of the year in which the resolution is adopted, the city's regular election primary is on the odd year primary election date.

(3) After December 31, 2004, a school district's school board that adopted a resolution so that its regular election is held on a date other than at the odd year general election

may change its regular election to the odd year general election by adopting a resolution in compliance with section 642. If a school board adopts the resolution in compliance with section 642 to hold its regular election at the odd year general election, after December 31 of the year in which the resolution is adopted, the school board's school district shall hold its regular election at the odd year general election.

(4) This section takes effect September 1, 2004.

### **168.643 General election; officers to be elected.**

Sec. 643. At the general election, the following officers shall be elected when required by law:

(a) Presidential electors.

(b) In the state at large, a governor and a lieutenant governor, a secretary of state, and an attorney general.

(c) A United States senator.

(d) In each congressional district, a representative in congress.

(e) In each state senatorial district, a state senator.

(f) In each state representative district, a representative in the state legislature.

(g) Justices of the supreme court.

(h) Two members of the state board of education.

(i) Two regents of the University of Michigan.

(j) Two trustees of Michigan State University.

(k) Two governors of Wayne State University.

(l) In each county or district, judges of the court of appeals, a judge or judges of the circuit court, a judge or judges of probate, a judge or judges of the district court, a prosecuting attorney, a sheriff, a treasurer, an auditor, a mine inspector, a county road commissioner, a drain commissioner, a surveyor, and, subject to section 200, a clerk and a register of deeds or a clerk register.

(m) Township officers.

(n) Any other officers required by law to be elected at that election.

### **168.644e Nomination by primary; exceptions.**

Sec. 644e. Except as provided in section 642, an officer required to be elected at the odd year general election shall be nominated at the odd year primary election. Subject to section 382, if a charter provides for nomination by caucus or by filing a petition or affidavit directly for the general election, or provides for the election at the primary of a candidate who receives more than 50% of the votes cast for that office, the governing body by ordinance may provide for a caucus date, filing date, or other provisions to the extent necessary to be consistent with the odd year general election requirement of this act and the intent of the charter provisions.

### **168.644g Terms of office, extension.**

Sec. 644g. (1) A term of office shall not be shortened by the provisions of sections 641 to 644i. An officer scheduled by prior law to be elected at a time other than the odd year general election shall not be elected on the date scheduled but shall continue in office until a successor takes office after being elected in the first odd year general election following that date. If the regular election date for holding a jurisdiction's regular election is changed under section 642 or 642a, the term of an official who was elected before the effective date of the change continues until a successor is elected and qualified at the next regular election following the date the official's term would have ended but for the change of the day of the jurisdiction's regular election.

(2) Notwithstanding a law or charter provision to the contrary, an officer required to be elected at the odd year general election, who by law or charter is elected for a term of an odd number of years shall, after the effective date of the amendatory act that added section 642, be elected for a term of 1 year longer than provided by law or charter.

(3) In home rule cities where the charter provides for the election of city officers at a time other than at the odd year general election and provides that members of the governing body are not all to be elected in the same year, the governing body by ordinance adopted prior to April 1, 1971 may alter the length of terms now provided by charter to provide that the city may continue to elect part of the governing body at each election. A term shall not be extended beyond January 1 following the first odd year general election at which the officer would be elected as provided by charter. A term shall not be for more than 4 years.

**168.644k Community college district elections; time; resolution; term of office; filing; date of nominating petitions; date for taking office; effect of section on prior provisions.**

Sec. 644k. (1) If all or a portion of a community college district is within 1 or more cities that elect city officers at the odd year general election, the community college district may hold its election biennially at the odd year general election if existing law requires each city to conduct the community college election at the same time as and in conjunction with the city election.

(2) The board of trustees of a community college may determine by resolution whether the district shall hold its election as provided in this section. The resolution shall be adopted not less than 6 months before the date of a regularly scheduled community college district election. In its resolution the board shall provide that the term of office of members of the board of trustees of the community college shall be for an even number of years and shall provide for an election schedule that implements the change. A term may be extended for not more than 1 year for this purpose. The board may change the filing date of nominating petitions for board of education candidates to conform with the filing dates of a city election that is held in conjunction with the school board election. The board may provide that all members shall not be elected at the same election. An incumbent's term is determined under section 644g(1). The date for taking office is prescribed in section 644h.

(3) This section does not change the prior provisions of law regarding petitions, nominations, or the conduct of community college district elections other than to allow a change in the date of the regular district election and changes in the date for taking office and the terms of office related to the change in election date.

**168.646a Election of local officers; nomination; certification; certifying ballot wording of local or county questions; applicability of section.**

Sec. 646a. (1) If a local officer is to be elected at a general November election, candidates for the local office shall be nominated in the manner provided by law or charter, subject to sections 641 and 642. If candidates for the local office are to be nominated at caucuses, the caucuses shall be held on a date before the date set for the primary election or on the Saturday before the day of the primary election as determined by the local legislative body at least 20 days before the date of the caucus. If candidates are nominated by filing petitions or affidavits, they shall be filed at a time provided by charter, but not later than the date of the primary. Except as provided in section 642, the local primary election shall be held on the same day as a state or county primary election. If a state or county primary is being held on the same day, the last day for local candidates to file nominating petitions is the same as the last date to file petitions for state and

county offices. The names of all local candidates and titles of office shall be certified to the county clerk by the local clerk within 5 days after the last day for filing petitions, and certification of nominees shall be made to that clerk within 5 days after the date on which the primary or caucus was held.

(2) If a local, school district, or county ballot question is to be voted on at a primary, special, regular, or general election at which state officers are to be voted for, the ballot wording of the ballot question shall be certified to the local or county clerk at least 70 days before the election. If the wording is certified to a clerk other than the county clerk, the clerk shall certify the ballot wording to the county clerk at least 68 days before the election. Petitions to place a county or local ballot question on the ballot at the election shall be filed with the clerk at least 14 days before the date the ballot wording must be certified to the local clerk.

(3) The provisions of this section apply notwithstanding any provisions of law or charter to the contrary, unless an earlier date for the filing of affidavits or petitions, including nominating petitions, is provided in a law or charter, in which case the earlier filing date is controlling.

### **168.659 Consolidation of election precincts.**

Sec. 659. (1) If a county, city, ward, township, village, or school district is divided into 2 or more election precincts, the county, city, ward, township, or village election commissioners may, by resolution, consolidate the election precincts for a particular election that is not a general November election, primary election immediately before a general November election, or other statewide or federal election. In making the determination to consolidate election precincts for a particular election, the election commission shall take into consideration the number of choices the voter must make, the percentage of registered voters who voted at the last similar election in the jurisdiction, and the intensity of the interest of the electors in the jurisdiction concerning the candidates and proposals to be voted upon.

(2) A consolidation under this section shall be made not less than 60 days before a primary, general, or special election.

(3) Unless the polling places for the election precincts to be consolidated are located in the same building, when a county, city, ward, township, or village consolidates election precincts for a particular election under subsection (1), the election commissioners or other designated election officials shall do both of the following:

(a) Provide notice to the registered electors of the affected election precincts of the consolidation of election precincts for the particular election and the location of the polling place for the election precinct or precincts for that election. Notice may be provided by mail or other method designed to provide actual notice to the registered electors.

(b) Post a written notice at each election precinct polling place stating the location of the consolidated election precinct polling place.

(4) If a county, city, ward, township, or village consolidates election precincts under this section, each affected election precinct shall be treated as a whole unit and shall not be divided during the consolidation.

### **168.690 Official ballots; delivery to township, village and city clerks; duties of township and municipal election boards.**

Sec. 690. The township, city, or village board of election commissioners for each jurisdiction conducting the election shall have the ballots required for a regular or special township, village, city, school, or community college election, or official primary election for the nomination of candidates for township, city, ward, or community college offices, to

be printed and delivered to the election commission's township, village, or city clerk at least 10 days before the election. The duties imposed upon county boards of election commissioners and upon county, township, and city clerks relative to the printing, counting, packaging, sealing, and delivery of official ballots are imposed upon the township and municipal boards of election commissioners and the township, village, or city clerks relative to the printing, counting, packaging, sealing, and delivery of official ballots for use in each precinct of the township, village, or city at a municipal, township, village, school, or community college election.

#### **168.821 Meeting of board of county canvassers; place; time.**

Sec. 821. (1) The board of county canvassers shall meet at the office of the county clerk at 1 p.m. on the day after the day of a general election, August primary, or presidential primary election in the county. Except as provided in subsection (2), for other elections the board shall meet within 5 days following the election.

(2) If, at an election held on the May regular election date, a ballot question appears on the ballot concerning authorized millage that is subject to a millage reduction as provided in section 34d of the general property tax act, 1893 PA 206, MCL 211.34d, the board of county canvassers shall meet to canvass and certify the results of the vote on that proposition after May 31 and before June 15 following the election.

#### **168.862 Fraud or mistake in canvass or returns of votes; recount petition by candidate.**

Sec. 862. A candidate for office who believes he or she is aggrieved on account of fraud or mistake in the canvass or returns of the votes by the election inspectors may petition for a recount of the votes cast for that office in any precinct or precincts as provided in this chapter.

#### **168.863 Fraud or error as to proposed charter amendment or other ballot question; recount petition by elector.**

Sec. 863. A qualified and registered elector voting in a city, township, or village election who believes there has been fraud or error committed by the inspectors of election in its canvass or returns of the votes cast at the election, upon a proposed amendment to the charter of the city or village or other ballot question submitted to the voters of the county, city, township, school district, community college district, or village, may petition for a recount of the votes cast in any precinct or precincts of that county, city, township, school district, community college district, or village, upon that proposed amendment or other ballot question as provided in this chapter.

#### **168.954 Recall petitions; eligibility of signers.**

Sec. 954. A recall petition shall be signed by registered and qualified electors of the electoral district of the official whose recall is sought. Each signer of a recall petition shall affix his or her signature, address, and the date of signing. A person who signs a recall petition shall be a registered and qualified elector of the governmental subdivision designated in the heading of the petition.

#### **168.963 Sufficiency or insufficiency of recall petition; determination; notice; special election.**

Sec. 963. (1) Within 35 days after the filing of the recall petition, the filing official with whom the recall petition is filed shall make an official declaration of the sufficiency or insufficiency of the petition. If the recall petition is determined to be insufficient, the filing

official shall notify the person or organization sponsoring the recall of the insufficiency of the petition. It is not necessary to give notification unless the person or organization sponsoring the recall files with the filing official a written notice of sponsorship and a mailing address.

(2) Immediately upon determining that the petition is sufficient, but not later than 35 days after the date of filing of the petition, the county clerk with whom the petition is filed shall call the special election to determine whether the electors will recall the officer whose recall is sought. The election shall be held on the next regular election date that is not less than 70 days after the date the petition is filed.

(3) If a petition is filed under section 959, the filing official with whom the petition is filed shall call the special election. The election shall be held on the next regular election date that is not less than 70 days after the petition is filed.

### **168.971 Special election; appointment of review team; applicability of section.**

Sec. 971. (1) If the recall is successful, a special election to fill the vacancy shall be held on the next regular election date. The provisions in section 964 for calling and conducting of the recall election govern the calling and conducting of the election to fill the vacancy created, except as otherwise provided in this section.

(2) If the governor appoints a review team under the local government fiscal responsibility act, 1990 PA 72, MCL 141.1201 to 141.1291, to perform the functions prescribed in that act relative to a city, township, or village and an elected official of the city, township, or village was the subject of a successful recall, the officer with whom the recall petition was filed does not have the authority to propose a date for a special election. If the review team described in this subsection is appointed after the officer submits a proposed special election date or the county election scheduling committee schedules the special election as required by subsection (1), but before the election is held, the officer's or county election scheduling committee's action becomes void when the review team is appointed. Within 5 days after the review team described in this subsection reports its findings to the governor as required by section 14 of the local government fiscal responsibility act, 1990 PA 72, MCL 141.1214, the review team shall submit to the county election scheduling committee a proposed date for the special election. A special election scheduled under this subsection is subject to all of the other provisions of subsection (1). This subsection applies to any special election scheduled but not yet held before April 9, 2002.

### **168.972 Nominating and voting for candidate for nonpartisan office; signing and filing nominating petition or paying fee; election to fill vacancy for unexpired term; signing, contents, and filing of petition.**

Sec. 972. (1) Except as provided in subsection (2), a candidate for a nonpartisan office shall be nominated and voted for in an election scheduled under section 971 by filing a nominating petition or paying a \$100.00 nonrefundable fee not later than 4 p.m. on the fifteenth day after the election is called. The nominating petition shall be filed with the clerk of the electoral district and signed by a number of qualified and registered electors of the electoral district as determined under section 544f. Instead of filing a nominating petition, an individual may become a candidate by paying a \$100.00 nonrefundable fee with the clerk of the electoral district.



(2) This subsection applies to an election to fill a vacancy for an unexpired term created by a recall of a school board member, if the election is scheduled to be held on the same date as a general election. A nominating petition filed by a candidate shall be signed by a number of qualified and registered electors of the school district as determined under section 544f. The nominating petition shall clearly state that it relates to the filling of a vacancy for an unexpired term and shall be filed with the school district filing official, as designated by section 301, not later than 4 p.m. on the fifteenth day after the election is called. Instead of filing a nominating petition, an individual may become a candidate by paying a \$100.00 nonrefundable fee to the school district filing official not later than 4 p.m. on the fifteenth day after the election is called.

**Repeal of MCL 168.5, 168.6, 168.8, 168.9a, 168.12, 168.325, 168.348, 168.639, 168.640, 168.644a, 168.644b, 168.644c, 168.644j to 168.646, 168.646b, and 168.758c; effective date.**

Enacting section 1. Sections 5, 6, 8, 9a, 12, 325, 348, 639, 640, 644a, 644b, 644c, 644j to 646, 646b, and 758c of the Michigan election law, 1954 PA 116, MCL 168.5, 168.6, 168.8, 168.9a, 168.12, 168.325, 168.348, 168.639, 168.640, 168.644a, 168.644b, 168.644c, 168.644j to 168.646, 168.646b, and 168.758c, are repealed January 1, 2005.

**Effective date of MCL 168.642 and 168.642a.**

Enacting section 2. Sections 642 and 642a of the Michigan election law, 1954 PA 116, as added by this amendatory act, take effect September 1, 2004.

**Effective date of MCL 168.2, 168.3, 168.4, 168.30a, 168.321, 168.322, 168.358a, 168.370, 168.381, 168.382, 168.500f, 168.500g, 168.501a, 168.505, 168.509n, 168.509r, 168.509gg, 168.538, 168.635, 168.643, 168.644e, 168.644g, 168.644k, 168.646a, 168.690, 168.821, 168.862, 168.863, 168.954, 168.963, 168.971, and 168.972.**

Enacting section 3. Sections 2, 3, 4, 30a, 321, 322, 358a, 370, 381, 382, 500f, 500g, 501a, 505, 509n, 509r, 509gg, 538, 635, 643, 644e, 644g, 644k, 646a, 690, 821, 862, 863, 954, 963, 971, and 972 of the Michigan election law, 1954 PA 116, MCL 168.2, 168.3, 168.4, 168.30a, 168.321, 168.322, 168.358a, 168.370, 168.381, 168.382, 168.500f, 168.500g, 168.501a, 168.505, 168.509n, 168.509r, 168.509gg, 168.538, 168.635, 168.643, 168.644e, 168.644g, 168.644k, 168.646a, 168.690, 168.821, 168.862, 168.863, 168.954, 168.963, 168.971, and 168.972, as amended by this amendatory act, take effect January 1, 2005.

**Effective date of Chapter XIV of the Michigan election law, 1954 PA 116.**

Enacting section 4. Chapter XIV of the Michigan election law, 1954 PA 116, as added by this amendatory act, takes effect January 1, 2005.

**Conditional effective date.**

Enacting section 5. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

- (a) Senate Bill No. 877.
- (b) House Bill No. 4820.
- (c) House Bill No. 4822.
- (d) House Bill No. 4823.
- (e) House Bill No. 4825.

- (f) House Bill No. 4826.
- (g) House Bill No. 4827.
- (h) House Bill No. 4828.

Approved January 8, 2004.  
Filed with Secretary of State January 8, 2004.

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**Compiler's note:** The bills referred to in enacting section 5 were enacted into law as follows:

Senate Bill No. 877 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 298, Eff. Jan. 1, 2005.  
House Bill No. 4820 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 299, Eff. Jan. 1, 2005.  
House Bill No. 4822 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 300, Eff. Jan. 1, 2005.  
House Bill No. 4823 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 301, Eff. Jan. 1, 2005.  
House Bill No. 4825 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 303, Eff. Jan. 1, 2005.  
House Bill No. 4826 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 304, Eff. Jan. 1, 2005.  
House Bill No. 4827 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 305, Eff. Jan. 1, 2005.  
House Bill No. 4828 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 306, Eff. Jan. 1, 2005.

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**[No. 303]**

**(HB 4825)**

AN ACT to amend 1909 PA 279, entitled "An act to provide for the incorporation of cities and for revising and amending their charters; to provide for certain powers and duties; to provide for the levy and collection of taxes by cities, borrowing of money, and issuance of bonds or other evidences of indebtedness; to validate actions taken, bonds issued, and obligations heretofore incurred; to prescribe penalties and provide remedies; and to repeal acts and parts of acts on specific dates," by amending sections 3, 8, 11, 21, 25, and 26 (MCL 117.3, 117.8, 117.11, 117.21, 117.25, and 117.26), section 3 as amended by 2002 PA 201 and section 25 as amended by 1982 PA 200.

*The People of the State of Michigan enact:*

**117.3 Mandatory charter provisions.**

Sec. 3. Each city charter shall provide for all of the following:

(a) The election of a mayor, who shall be the chief executive officer of the city, and of a body vested with legislative power, and for the election or appointment of a clerk, a treasurer, an assessor or board of assessors, a board of review, and other officers considered necessary. The city charter may provide for the selection of the mayor by the legislative body. Elections may be by a partisan, nonpartisan, or preferential ballot, or by any other legal method of voting. Notwithstanding another law or charter provision to the contrary, a city having a 1970 official population of more than 150,000, whose charter provides for terms of office of less than 4 years, and in which the term of office for the mayor and the governing body are of the same length, may provide by ordinance for a term of office of up to 4 years for mayor and other elected city officials. The ordinance shall provide that the ordinance shall take effect 60 days after it is enacted unless within the 60 days a petition is submitted to the city clerk signed by not less than 10% of the registered electors of the city requesting that the question of approval of the ordinance be

submitted to the electors at the next regular election or a special election called for the purpose of approving or disapproving the ordinance.

(b) The nomination of elective officers by partisan or nonpartisan primary, by petition, or by convention.

(c) The time, manner, and means of holding elections and the registration of electors, subject to section 26 and other applicable requirements of law.

(d) The qualifications, duties, and compensation of the city's officers. If the city has an appointed chief administrative officer, the legislative body of the city may enter into an employment contract with the chief administrative officer extending beyond the terms of the members of the legislative body unless the employment contract is prohibited by the city charter. An employment contract with a chief administrative officer shall be in writing and shall specify the compensation to be paid to the chief administrative officer, any procedure for changing the compensation, any fringe benefits, and other conditions of employment. The contract shall state if the chief administrative officer serves at the pleasure of the legislative body, and the contract may provide for severance pay or other benefits in the event the chief administrative officer's employment is terminated at the pleasure of the legislative body.

(e) The establishment of 1 or more wards, and if the members of the city's legislative body are chosen by wards, for equal representation for each ward in the legislative body.

(f) That the subjects of taxation for municipal purposes are the same as for state, county, and school purposes under the general law.

(g) The annual laying and collecting taxes in a sum, except as otherwise provided by law, not to exceed 2% of the taxable value of the real and personal property in the city. Unless the charter provides for a different tax rate limitation, the governing body of a city may levy and collect taxes for municipal purposes in a sum not to exceed 1% of the taxable value of the real and personal property in the city. As used in this subdivision, "taxable value" is that value determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(h) An annual appropriation of money for municipal purposes.

(i) The levy, collection, and return of state, county, and school taxes in conformance with the general laws of this state, except that the preparation of the assessment roll, the meeting of the board of review, and the confirmation of the assessment roll may be at the times provided in the city charter.

(j) The public peace and health and for the safety of persons and property. In providing for the public peace, health, and safety, a city may expend funds or enter into contracts with a private organization, the federal or state government, a county, village, or township, or another city for services considered necessary by the legislative body. Public peace, health, and safety services may include the operation of child guidance and community mental health clinics, the prevention, counseling, and treatment of developmental disabilities, the prevention of drug abuse, and the counseling and treatment of drug abusers.

(k) Adopting, continuing, amending, and repealing the city ordinances and for the publication of each ordinance before it becomes operative. Whether or not provided in its charter, instead of publishing a true copy of an ordinance before it becomes operative, the

city may publish a summary of the ordinance. If the city publishes a summary of the ordinance, the city shall include in the publication the designation of a location in the city where a true copy of the ordinance can be inspected or obtained. A charter provision to the contrary notwithstanding, a city may adopt an ordinance punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both, if the violation substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days. Whether or not provided in its charter, a city may adopt a provision of a state statute for which the maximum period of imprisonment is 93 days, the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923, or a law, code, or rule that has been promulgated and adopted by an authorized agency of this state pertaining to fire, fire hazards, fire prevention, or fire waste, and a fire prevention code, plumbing code, heating code, electrical code, building code, refrigeration machinery code, piping code, boiler code, boiler operation code, elevator machinery code, or a code pertaining to flammable liquids and gases or hazardous chemicals, that has been promulgated by this state, by a department, board, or other agency of this state, or by an organization or association that is organized and conducted for the purpose of developing the code, by reference to the law, code, or rule in an adopting ordinance and without publishing the law, code, or rule in full. The law, code, or rule shall be clearly identified in the ordinance and its purpose shall be published with the adopting ordinance. Printed copies of the law, code, or rule shall be kept in the office of the city clerk, available for inspection by, and distribution to, the public at all times. The publication shall contain a notice stating that a complete copy of the law, code, or rule is made available to the public at the office of the city clerk in compliance with state law requiring that records of public bodies be made available to the general public. A city shall not enforce a provision adopted by reference for which the maximum period of imprisonment is greater than 93 days.

(l) That the business of the legislative body shall be conducted at a public meeting held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. All records of the municipality shall be made available to the general public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(m) Keeping in the English language a written or printed journal of each session of the legislative body.

(n) A system of accounts that conforms to a uniform system of accounts as required by law.

### **117.8 Incorporation, consolidation, or alteration of boundaries; petition; filing; resolution; adoption.**

Sec. 8. (1) Subject to subsections (2) and (3), a petition filed under section 6 shall be addressed to the county board of commissioners of the county in which the territory to be affected by the proposed incorporation, consolidation, or change of boundaries is located, and shall be filed with the clerk of the county board of commissioners not less than 30 days before the convening of the board in regular session, or in any special session called for the purpose of considering the petition. The county board of commissioners shall by resolution determine whether the petition complies with the requirements of this act and whether the statements contained in the petition are correct. If a majority of the board determines that the petition does not comply with the requirements of this act or that the statements contained in the petition are not correct, the board shall not conduct further proceedings on the petition. Subject to subsection (4), if the board determines that the petition complies with the requirements of this act and that the statements contained in the petition are correct, the board shall, by resolution, provide that the question of

making the proposed incorporation, consolidation, or change of boundaries be submitted to the qualified electors of the district to be affected at the next general election or at a special election before the next general election. The question shall not be submitted at an election to be held less than 60 days after the adoption of the resolution.

(2) If it is proposed to incorporate an incorporated village as a city without change of boundaries, both of the following apply:

(a) The initiatory petition provided for under section 6 shall be addressed to the village council or other legislative body of the village and shall be filed with the village clerk at least 30 days before final action is taken on the petition.

(b) The powers and duties of the county board of commissioners and county clerk under subsection (1) are assigned to the village council and village clerk, respectively.

(3) A petition covering the same territory, or part of the same territory, shall not be considered by the county board of commissioners more often than once in every 2 years, unless the petition is signed by not less than 35% of taxpayers whose names appear on the latest assessment rolls under the requirements of the general property tax act, 1893 PA 206, MCL 211.1 to 211.157, as being assessed for real property taxes within the area proposed to be annexed. The assessing officers who are charged with the duty of assessing real property within the area proposed to be annexed shall report as of the date on which the petition is filed the total number of names on the rolls, within that area, to the clerk of the county board of commissioners not more than 14 days after the filing date.

(4) A vote is not required if the city owns the land sought to be annexed.

(5) After the adoption of a resolution under subsection (1) submitting a question to a vote of the electors, neither the sufficiency nor legality of the petition under section 6 may be questioned in any proceeding.

### **117.11 Petition for incorporation, consolidation, or change of boundaries; affidavit; filing with secretary of state; certification; notice; election.**

Sec. 11. (1) If the territory to be affected by a proposed incorporation, consolidation, or change of boundaries is situated in more than 1 county, the petition under section 6 shall be addressed and presented to the secretary of state. The petition shall be accompanied by 1 or more affidavits by 1 or more of the signers of the petition showing all of the following:

(a) That the statements contained in the petition are true.

(b) That each signature affixed to the petition is the actual signature of a qualified elector residing in a city, village, or township to be affected by the carrying out of the purposes of the petition.

(c) That not less than 25 of the petition signers reside in each city, village, or township to be affected.

(2) The secretary of state shall examine the petition and the accompanying affidavit or affidavits. If the secretary of state finds that the petition and accompanying affidavit or affidavits comply with the requirements of this act, he or she shall so certify and shall transmit the certificate and a certified copy of the petition and the accompanying affidavit or affidavits to the clerk of each city, village, or township to be affected by the proposal,

together with a notice directing that the question of making the incorporation, consolidation, or change of boundaries petitioned for shall be submitted to the electors of the district to be affected. The notice shall provide that the question shall be submitted at the next general election or at an election before the next general election. However, the question shall not be submitted at an election to be held less than 60 days after the date of transmittal of the certificate.

(3) If the secretary of state finds that the petition and the accompanying affidavit or affidavits do not comply with the requirements of this act, he or she shall certify to that fact and shall return the petition and affidavits to the person from whom they were received, along with the certificate.

(4) The city, village, and township clerks who receive from the secretary of state the copies and certificates provided for in subsection (2) shall give notice of the election to be held on the question of making the proposed incorporation, consolidation, or change of boundaries as provided for in section 10.

### **117.21 Charter amendment; procedure.**

Sec. 21. (1) An amendment to an existing city charter, whether the charter was adopted under this act or formerly granted or passed by the legislature for the government of a city, may be proposed by the legislative body of a city on a 3/5 vote of the members-elect or by an initiatory petition. If the amendment is proposed by the legislative body of the city, the amendment shall be submitted to the electors of the city at the next regular municipal or general state election, or at a special election, held not less than 60 days after the proposal of the amendment. If the amendment is proposed by an initiatory petition, the amendment shall be submitted to the electors of the city at the next regular municipal or general state election held in the city not less than 90 days after the filing of the petition.

(2) Proposed charter amendments and other questions to be submitted to the electors shall be published in full with existing charter provisions that would be altered or abrogated by the proposed charter amendment or other question. The purpose of the proposed charter amendment or question shall be designated on the ballot in not more than 100 words, exclusive of caption, that shall consist of a true and impartial statement of the purpose of the amendment or question in language that does not create prejudice for or against the amendment or question. The text of the statement shall be submitted to the attorney general for approval as to compliance with this requirement before being printed. In addition, the proposed charter amendment in full shall be posted in a conspicuous place in each polling place. The form in which a proposed charter amendment or question shall appear on the ballot, unless provided for in the initiatory petition, shall be determined by resolution of the legislative body, and if provided for by the initiatory petition, the legislative body may add an explanatory caption.

(3) A proposed charter amendment shall be confined to 1 subject. If the subject of a charter amendment includes more than 1 related proposition, each proposition shall be separately stated to afford an opportunity for an elector to vote for or against each proposition. If a proposed charter amendment is rejected at an election, the amendment shall not be resubmitted for a period of 2 years.

(4) A city charter formerly granted by a different act of the state legislature, including the charter of a city of the fourth class, that adopts or comes under any part of this act by amendment under this section, and not by general revision, adoption, or incorporation

under this act, may again be amended under this section, as to the part or parts that are amended, by re-enacting under this section that part or parts of the original act of incorporation that existed before any amendment was made under this act. The part or parts of the original act of incorporation that are re-enacted shall not be construed as operating or coming under the provisions of this act in any manner, it being the intention to permit a city described in this subsection, to adopt by amendment any part of the provisions of this act permissible or to withdraw from the provisions of this act.

(5) Propositions and questions shall be proposed, initiated, submitted and canvassed in a manner similar to that provided for charter amendments.

**117.25 Initiatory petition; filing with city clerk; contents; verification; signatures and inscriptions; perjury and other felonies; punishment; canvass; certifying sufficiency or insufficiency of petition; causing proposed amendment to be submitted to electors; calling special election; submitting proposal at primary, regular, or special election called for other purposes; initiative proposal receiving majority of votes; proposal contemplating increased expenditure of funds; proposal increasing ad valorem property tax limitation; effective date; tax levy; action against city clerk.**

Sec. 25. (1) An initiatory petition authorized by this act shall be addressed to and filed with the city clerk. The petition shall state what body, organization, or person is primarily interested in and responsible for the circulation of the petition and the securing of the amendment. Each sheet of the petition shall be verified by the affidavit of the person who obtained the signatures to the petition. The petition shall be signed by at least 5% of the qualified and registered electors of the municipality. Each signer of the petition shall also write, immediately after his or her signature, the date of signing and his or her street address. A signature obtained more than 1 year before the filing of the petition with the city clerk shall not be counted. The petition is subject to the requirements of section 25a.

(2) A person who willfully affixes another's signature, or subscribes and swears to a verification that is false in any material particular, is guilty of perjury. A person who takes the oath of another to the petition not knowing him or her to be the same person he or she represents himself or herself to be or knowing that the petition or any part of it is false or fraudulent in any material particular, or who falsely represents that the proposed amendment is proposed by persons other than the true sponsors, is guilty of a felony and is liable for the same punishment as provided for perjury.

(3) Upon receipt of the petition, the city clerk shall canvass it to ascertain if it is signed by the requisite number of registered electors. For the purpose of determining the validity of the petition, the city clerk may check any doubtful signatures against the registration records of the city. Within 45 days from the date of the filing of the petition, the city clerk shall certify the sufficiency or insufficiency of the petition. If the petition contains the requisite number of signatures of registered electors, the clerk shall submit the proposed amendment to the electors of the city at the next regular municipal or general state election held in the city which shall occur not less than 90 days following the filing of the petition.

(4) If the petition contains the signatures of 20% or more of the persons residing in and registered to vote in the city as of the date when they signed it, and the petition requests submission of the proposal at a special election, the city clerk, within 90 days after the

date of the filing of the petition, shall call a special election to be held on the next regular election date that is not less than 120 days after the petition was filed. Other proposals, whether initiated by a 5% petition or proposed by the legislative body within the times within this act provided, may be submitted at that election. A proposal submitted to the electors by the initiative and receiving an affirmative majority of the votes cast on the proposal shall not be held unconstitutional, invalid, or void on account of the insufficiency of the petition by which the proposal was submitted.

(5) Except as provided by subsection (6), any proposal adopted by the electors that contemplates increased expenditure of funds by the municipality shall become effective only at the beginning of that fiscal year of the municipality commencing not earlier than 60 days following the election at which the proposal was approved by the electors.

(6) If a proposal that increases the city's ad valorem property tax limitation applies, by its terms, for a specific year or period commencing before the date the proposal would otherwise take effect under subsection (5), the proposal shall be effective both from the date it is approved by the electors and retroactively for the year or period specified in the proposal. Notwithstanding a charter provision to the contrary, if a proposal is approved by the electors and given effect under this subsection after the city has levied its ad valorem property tax levy for the fiscal year and if the adopted proposal authorizes the levy of a millage rate for the fiscal year during which the proposal was approved in excess of the rate the city was authorized to levy before adoption of the proposal, the city may levy an additional tax. The additional tax shall be collected either by a supplementary billing by the city or at the same time and in the same manner the county's ad valorem property tax levy is collected.

(7) A person aggrieved by an action, or failure of action, of the city clerk may bring an action against the clerk in the circuit court for writ of mandamus or for other appropriate relief.

### **117.26 Elections; general provisions; applicability of MCL 168.641.**

Sec. 26. (1) All elections held under this act shall be paid for by the locality where held. Except as otherwise provided by law or ordinance, the legislative body of the city shall determine the publication and notice of the election.

(2) Notwithstanding another provision of this act or a charter provision, an election under this act is subject to section 641 of the Michigan election law, 1954 PA 116, MCL 168.641.

#### **Effective date.**

Enacting section 1. This amendatory act takes effect January 1, 2005.

#### **Conditional effective date.**

Enacting section 2. This amendatory act does not take effect unless all of the following bills of the 92nd Legislature are enacted into law:

- (a) Senate Bill No. 877.
- (b) House Bill No. 4820.
- (c) House Bill No. 4822.
- (d) House Bill No. 4823.
- (e) House Bill No. 4824.



(f) House Bill No. 4826.

(g) House Bill No. 4827.

(h) House Bill No. 4828.

Approved January 8, 2004.

Filed with Secretary of State January 8, 2004.

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**Compiler's note:** The bills referred to in enacting section 2 were enacted into law as follows:

Senate Bill No. 877 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 298, Eff. Jan. 1, 2005.  
House Bill No. 4820 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 299, Eff. Jan. 1, 2005.  
House Bill No. 4822 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 300, Eff. Jan. 1, 2005.  
House Bill No. 4823 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 301, Eff. Jan. 1, 2005.  
House Bill No. 4824 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 302, Eff. Mar. 30, 2004.  
House Bill No. 4826 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 304, Eff. Jan. 1, 2005.  
House Bill No. 4827 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 305, Eff. Jan. 1, 2005.  
House Bill No. 4828 was filed with the Secretary of State January 8, 2004, and became P.A. 2003, No. 306, Eff. Jan. 1, 2005.

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**[No. 304]**

**(HB 4826)**

AN ACT to amend 1909 PA 278, entitled “An act to provide for the incorporation of villages and for revising and amending their charters; to provide for the levy and collection of taxes, borrowing of money, and issuance of bonds and other evidences of indebtedness; to validate bonds issued and obligations previously incurred; and to prescribe penalties and provide remedies,” by amending sections 4, 7, 21, and 23 (MCL 78.4, 78.7, 78.21, and 78.23), section 23 as amended by 1999 PA 258.

*The People of the State of Michigan enact:*

**78.4 Petition; presentation; action of county board of commissioners; resolution; vote; review.**

Sec. 4. (1) A petition under section 2 shall be addressed to the county board of commissioners of the county in which the territory to be affected by the proposed incorporation, consolidation, or change of boundaries is located. The petition shall be filed with the clerk of the county board of commissioners not less than 30 days before the board of commissioners convenes in regular session, or in a special session called for the purpose of considering the petition. The board of commissioners shall determine if the petition complies with the requirements of this act and if the statements contained in the petition are correct. If a majority of the board determines that the petition does not comply with the requirements of this act or that the statements contained in the petition are not correct, the board shall not conduct further proceedings on the petition. If the board determines that the petition complies with the requirements of this act and that the statements contained in the petition are correct, the board shall, by resolution, provide that the question of making the proposed incorporation, consolidation, or change of boundaries be submitted to the qualified electors of the district to be affected at the next general election, or at a special election before the next general election on a regular election day established under section 641 of the Michigan election law, 1954 PA 116, MCL 168.641, that is held 60 days or more after the adoption of the resolution.

(2) After the adoption of a resolution submitting the ballot question to a vote of the electors, neither the sufficiency nor legality of the petition under section 2 may be questioned in any proceeding.

### **78.7 Villages in more than 1 county; incorporation, consolidation, or change in boundary; procedure.**

Sec. 7. (1) If the territory to be affected by a proposed incorporation, consolidation, or change of boundaries is situated in more than 1 county, the petition under section 2 shall be addressed and presented to the secretary of state.

(2) The secretary of state shall examine the petition and the accompanying affidavits. If the secretary of state finds that the petition and accompanying affidavit or affidavits comply with the requirements of this act, the secretary of state shall certify the petition and accompanying affidavits and shall transmit the certificate and a certified copy of the petition and the accompanying affidavits to the clerk of each city, village, or township to be affected by the proposed incorporation, consolidation, or change of boundaries, together with a notice directing that the question of making the incorporation, consolidation, or change of boundaries petitioned for be submitted to the electors of the district to be affected. The notice shall provide that the ballot question shall be submitted at the next general election, or at a special election before the next general election, that is held 60 days or more after the date of transmittal of the certificate.

(3) If the secretary of state finds that the petition and the accompanying affidavits do not comply with the requirements of this act, he or she shall certify to that fact and shall return the petition and affidavits to the person from whom they were received, along with the certificate.

(4) Each city, village, and township clerk who receives from the secretary of state the copies and certificate provided for in subsection (2) shall give notice of the election to be held on the question of making the incorporation, consolidation, or change of boundaries petitioned for in the same manner as provided for in section 6.

### **78.21 Election; expenses; manner of conducting.**

Sec. 21. (1) All elections held under this act shall be paid for as provided by the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, the appropriate clerk shall determine the publication and notice of the election.

(2) Notwithstanding a charter provision providing otherwise, the day on which a village holds its regular or a special election is governed by the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, or by a resolution adopted in compliance with section 642 of the Michigan election law, 1954 PA 116, MCL 168.642.

### **78.23 Village charter; mandatory provisions.**

Sec. 23. Each village charter shall provide for all of the following:

(a) The election of and compensation for a president who shall be the executive head, a clerk, and a legislative body. Notwithstanding a charter provision to the contrary, a village election shall be nonpartisan.

(b) The election or appointment of other officers or administrative boards considered necessary.