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TOWNSHIP OFFICIALS: NONPARTISAN ELECTION, STAGGERED TERMS OF OFFICE

House Bills 5436 and 5437

Sponsor: Rep. Laura Baird

Committee: Constitutional Law and Ethics

Complete to 8-24-00

A SUMMARY OF HOUSE BILLS 5436 and 5437 AS INTRODUCED 2-23-00

The bills would amend the current law to allow nonpartisan elections of township officers and staggered terms for township board members. Neither bill could take effect unless both were enacted.

House Bill 5436 would amend the Charter Township Act (MCL 42.4 and 42.5) to allow charter township to hold nonpartisan primary elections of township officers and for charter township board members to have staggered elective terms of office. A charter township could provide for these changes in its charter.

House Bill 5437 would amend the Michigan Election Law (MCL 168.198 et al.) to do the same. Currently, the election law requires that certain township officers (supervisor, clerk, treasurer, trustees, and constables), and allows that certain other township officers (free public library directors and park commissioners), be elected in a November general election in each even-numbered year. Partisan primary elections are held in every organized township in the August preceding the November general election. Candidates for township office are nominated by political parties and run in partisan elections, except for free public library directors, who are listed on the nonpartisan portion of the ballot.

Primary elections. The bill would amend the law to require that, if a township had provided for the nomination of candidates for township offices at a nonpartisan primary, the nonpartisan primary – like the partisan primary – would be held in August (on the Tuesday after the first Monday) preceding the general November election. In order for the name of a candidate for a township office to appear on a nonpartisan primary ballot, nominating petitions signed by a minimum number of qualified and registered electors living in the township would have to be filed with the township clerk. The number of signatures would have to equal not less than one percent or more than two percent of the number of votes cast in the township for the office of supervisor at the last November general election in which a supervisor had been elected, but in any case there would have to be a minimum of five signatures on a nonpartisan nominating petition. Two nonpartisan candidates for each office would be chosen to run in the November general election by determining the two primary candidates who received the greatest number of votes cast for that office. (The number of votes would be decided according to the report of the township board of canvassers, based upon the returns from the various election precincts, or as determined in a recount by the board of county canvassers).

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Ballots. If applicable, township offices and candidates would be included on the nonpartisan primary ballot (along with the free public library director candidates), and could be separate from the judicial ballot.

Currently, the order of offices on the township portion of ballots is the same as the order in which the officers are listed in the election law (namely, supervisor, clerk, treasurer, trustee, and constable). Free public library directors are listed on the nonpartisan portion of the ballot, and if a township had provided for nominating candidates for township offices at a nonpartisan primary, they, too, would be listed on the nonpartisan portion of the ballot.

Staggered terms. Currently, the term of office of all township officers is four years. The bill would amend the election law to allow for township trustees to have staggered terms of office, if a township had provided by its charter for staggered elective terms of its board members. One-half of the trustees who had the highest number of votes cast at the first general November election after the adoption of the charter provision providing for staggered elective terms would hold office for four-year terms, and the remaining trustees who had the next highest number of votes cast at that election would hold office for two-year terms.

The bill also would require that in the case of partisan elections, the township clerk would have to include the political affiliation of each candidate who qualified for a position on the primary ballot and of each candidate nominated at the primary.

Technical amendments. The bill also would amend other sections of the election law to reflect the proposed changes. Thus, the sections of the bill currently applying to partisan elections that, were the bill to be enacted, still would apply only to partisan elections would reflect this fact. Specifically, the bill would exempt application of sections 352 (death of qualified partisan candidate), 354 (insufficient number of partisan candidates), 582 (partisan write-in candidates), 694 and 719 (partisan provisions as applied to local elections), and 973 (party candidates to fill a vacant office) from application to townships that provided for the nomination of candidates at nonpartisan primaries.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.