

SENATE BILL No. 737

August 18, 2009, Introduced by Senators KAHN and SWITALSKI and referred to the Committee on Campaign and Election Oversight.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
(MCL 168.1 to 168.992) by adding sections 304 and 646e.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 304. (1) THE SCHOOL DISTRICT ELECTION COORDINATOR OF A
2 SCHOOL DISTRICT MAY CANCEL A SCHOOL DISTRICT ELECTION BEFORE THE
3 DATE OF THE SCHOOL DISTRICT ELECTION IF THE SCHOOL DISTRICT
4 ELECTION COORDINATOR CERTIFIES THAT ALL OF THE FOLLOWING APPLY:

5 (A) THERE IS NO QUESTION ON THE BALLOT AT THE SCHOOL DISTRICT
6 ELECTION OTHER THAN THE ELECTION OF SCHOOL BOARD MEMBERS.

7 (B) THE DEADLINE HAS PASSED FOR FILING A DECLARATION OF INTENT
8 TO BE A WRITE-IN CANDIDATE UNDER SECTION 737A(1) .

9 (C) THERE IS NOT MORE THAN 1 CANDIDATE ON THE BALLOT FOR EACH

1 OFFICE ON THE BALLOT.

2 (2) IF A SCHOOL DISTRICT ELECTION IS CANCELED UNDER SUBSECTION
3 (1), THE CANDIDATE ON THE BALLOT FOR EACH OFFICE ON THE BALLOT
4 SHALL BE CONSIDERED ELECTED TO THAT OFFICE FOR ALL PURPOSES UNDER
5 THIS ACT AS IF THE ELECTION HAD OCCURRED AND THE CANDIDATE HAD BEEN
6 ELECTED AT THE SCHOOL DISTRICT ELECTION. THE APPROPRIATE BOARD OF
7 CANVASSERS SHALL CERTIFY THAT THE SCHOOL DISTRICT ELECTION WAS
8 CANCELED IN COMPLIANCE WITH SUBSECTION (1) AND THAT THE CANDIDATE
9 WAS ELECTED.

10 (3) IF THE SCHOOL DISTRICT ELECTION COORDINATOR OF A SCHOOL
11 DISTRICT CANCELS A SCHOOL DISTRICT ELECTION UNDER SUBSECTION (1),
12 THE SCHOOL DISTRICT ELECTION COORDINATOR SHALL PROVIDE REASONABLE
13 NOTICE OF THE CANCELLATION TO THE ELECTORS OF THE SCHOOL DISTRICT.

14 SEC. 646E. (1) THE CLERK OF A COUNTY, CITY, TOWNSHIP, OR
15 VILLAGE MAY CANCEL AN ELECTION OR SPECIAL ELECTION BEFORE THE DATE
16 OF THE ELECTION IF THE CLERK CERTIFIES THAT ALL OF THE FOLLOWING
17 APPLY:

18 (A) THERE IS NO BALLOT QUESTION ON THE BALLOT AT THE ELECTION.

19 (B) THE DEADLINE HAS PASSED FOR FILING A DECLARATION OF INTENT
20 TO BE A WRITE-IN CANDIDATE UNDER SECTION 737A.

21 (C) THERE IS ONLY 1 CANDIDATE ON THE BALLOT FOR EACH OFFICE ON
22 THE BALLOT OR, FOR A NONPARTISAN ELECTION, THERE ARE ONLY THE
23 NUMBER OF CANDIDATES AS THERE ARE INDIVIDUALS TO BE ELECTED.

24 (2) IF AN ELECTION IS CANCELED UNDER SUBSECTION (1), THE
25 CANDIDATE ON THE BALLOT FOR EACH OFFICE ON THE BALLOT SHALL BE
26 CONSIDERED ELECTED TO THAT OFFICE FOR ALL PURPOSES UNDER THIS ACT
27 AS IF THE ELECTION HAD OCCURRED AND THE CANDIDATE HAD BEEN ELECTED

1 AT THE ELECTION. THE APPROPRIATE BOARD OF CANVASSERS SHALL CERTIFY
2 THAT THE ELECTION WAS CANCELED IN COMPLIANCE WITH SUBSECTION (1)
3 AND THAT THE CANDIDATE WAS ELECTED.

4 (3) IF A COUNTY, CITY, TOWNSHIP, OR VILLAGE CLERK CANCELS AN
5 ELECTION UNDER SUBSECTION (1), THE CLERK SHALL PROVIDE REASONABLE
6 NOTICE OF THE CANCELLATION TO THE ELECTORS OF THE COUNTY, CITY,
7 TOWNSHIP, OR VILLAGE.

8 (4) THIS SECTION DOES NOT APPLY TO A SCHOOL DISTRICT ELECTION.