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Letter from the President



I hope everyone enjoyed the Summer Conference. Thank you again to Susan Kaltenbach for reserving the Beach Club for dinner Sunday night. What a beautiful place. Also thank you to Laura Sexton for all the help with arrangements and getting our entertainment Tuesday night. There is video of some of the entertainment and the “extra” participants, but we will save that for a later date. Who knows when it will come in handy....

Well the deadline has passed and I believe most of us got ballots ready on time and out. No wonder the Legislature didn’t want to listen to us when we said the time line was impossible. They knew we could and would do it. They just didn’t consider the late nights and weekends we would spend at the office to get it done. Once again we stepped up to the plate and accomplished the impossible. Congratulations everyone!

There will be an almost 20% turnover in County Clerks next year with new clerks and clerks that have taken over part way through the last term. Hopefully they will be able to attend the new officer’s training

in December. If you have a new clerk coming in to your county please make sure they get the information when it is sent out so they can get registered. It will be helpful for all of you to attend also so the new clerks will have a face to put with a name when they have a question and need to call someone.

We are getting closer to November 6. Keep up the good work. It will all be over soon.

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Legislative Update



Bill Zaagman
Governmental Consultant Services, Inc.
MACC Lobbyist

New Law Restricts Use of Clerk Names on AV Materials

Over the Summer, the Governor signed legislation restricting an election official's name from appearing on certain election-related materials. Public Act 280 of 2012 prohibits the name of an appointed or elected elections official from appearing on "election-related" materials. The new Act defines election-related materials as:

- Any material provided with an AV ballot;
- AV ballot instructions;
- An envelope used to mail to an AV ballot;
- An AV ballot return envelope.

A provision negotiated by GCSI, permits clerks to use existing materials that may not be in conformance with the Act but were ordered prior to the effective date of the Act. Under this provision, existing supplies could be used until they are exhausted in any election where the clerk does not also appear on the ballot as a candidate. The bill was not granted immediate effect and will take place 90 days *sine die*, which will be roughly April of 2013.

Senate to Move on MACC Priorities this Fall

Bills introduced on behalf of the MACC are poised to be taken up later this year in the Senate Local Government and Elections Committee. In conversations with the Chairman and his committee aides, we can look forward to hearings on the following MACC priorities:

- **Filing Deadline Uniformity Bills:** House Bills 4907 and HBs 4909-4912, introduced by Reps. Sharon Tyler (R-Niles), Marty Knollenberg (R-Troy), Ken Horn (R-Frankenmuth) and Rep. Cindy Denby (R-Fowlerville) amend the Michigan Election Code and various other Acts

to move the filing deadline for a variety of local ballot questions to the twelfth Tuesday before the election. The bills all overwhelmingly passed the House and were referred to the Senate Local Government and Elections Committee where a hearing was held in early June.

- **Non-Partisan Ballot Placement:** House Bill 5127, introduced by Rep. Ed McBroom (R-Vulcan), reorders the ballot placement on the non-partisan portion of the ballot to place community college districts and intermediate school districts to above local school districts. The bill passed the House 90-16 and was referred to the Senate Local Government and Elections Committee.

House Committee Takes Shot at Limiting Millage Election Dates

Legislation to restrict all local millage elections to the August or November election dates was scuttled in committee after it was apparent that the bill lacked the necessary votes to move it forward. Sponsored by Rep. Marty Knollenberg (R-Troy), the bill as introduced would have restricted all millage elections to the even-year November election date. That bill was met with strong opposition from both the MAMC and the MACC. Organizations representing schools and local governments also opposed the bill. At this point, the bill appears dead for the session but could certainly be resurrected after the election during the lame duck session.

Senate Committee Takes Testimony on Elections Bills

The Senate Local Government and Elections Committee took testimony on two bills supported by the MACC. Both bills were introduced by Senator Goeff Hansen (R-Hart). Lansing City Clerk Chris

Legislative Update continued...

Swope spoke on behalf of both the MAMC and the MACC in support of both bills.

- **Senate Bill 810** amends the Michigan Election Law to permit cities, by resolution, to move their primary and general election dates to the even-year August and November election dates. Additionally, the bill eliminates the September election date and prescribes the process for those jurisdictions holding September elections to move

to the even November election. This would eliminate the September election for approximately 70 jurisdictions across the state.

- **Senate Bill 811** amends the General Law Village Act to remove various references to the September election date.

House Judiciary Moves Bill to Restrict Right to Sue Counties

The House Judiciary Committee reported legislation that would curtail filing lawsuits against a county from county officers over budgetary matters. House Bill 5076, introduced by Rep. Peter Pettalia (R-Alpena), strips the ability of any county officer (prosecutor, clerks, ROD or Sheriff) to sue the county board over budget funding disputes. The bill is being pushed by the Michigan Association of Counties (MAC). Here are the major changes proposed:

1. House Bill 5076 amends the Uniform Budgeting Act of 1962 to significantly limit lawsuits against a county board arising over funding disputes with county departments.
2. House Bill 5076 would only permit suits against a county board over funding disputes to be filed by the county administrator (an employee of the board), an elected county executive or the chief judge of the circuit court. Clerks, RODs, Prosecutors, Treasurers and Sheriffs could no longer bring suit against the county board arising from funding disputes.

3. House Bill 5076 establishes a threshold that budgets adopted by the county board are “presumed” to fund the mandated operations of the department at a “serviceable” level. This would shift the burden from the board to the plaintiff (judge or county administrator) to prove the budget does not adequately fund mandated operations.

In a recent email to county clerks, MACC Legislative Committee Co-Chair Dan Krueger noted that “as constitutional county-wide officers, we have a duty to protect the autonomy of our office and protect our ability to seek redress in the courts. These suits are extremely rare, but it is a tool we have to ensure that our offices are funded at appropriate levels to carry out our mandated functions and responsibilities for the citizens of our counties.” Mr. Krueger urged each clerk to contact their lawmakers to express opposition to the bill. You can find contact information for your legislator at www.house.mi.gov and www.senate.mi.gov.

2012 Clerk of the Year

Sue Kaltenbach, Saginaw County

Sue Kaltenbach has been very active with Michigan Association of County Clerks for many years. She chaired Legislative Committee, and has served on the Vital Records and CEO Committees. Sue has spent numerous hours communicating with members of the Legislature regarding the issuance of passports at the County level. Prior to taking office as President of MACC, Sue represented the association on ~ Off the Record~ with Tim Skubick, one of few County Clerks to have been asked to appear on this statewide program. Congratulations and thank you for all of your hard work and dedication to our Association!



Event Calendar

UCOA New Officer Training
Doubletree, Bay City
December 9 - 11, 2012

MACC Fall Quarterly Meeting
Doubletree, Bay City
December 11 - 12, 2012

MACC Legislative
Committee meets the 3rd
Wednesday of the Month
at Delta Township

MACC would like to wish a Happy Birthday to Ricky Rockwell!