



WEEKLY LEGISLATIVE REPORT

October 22, 2010

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Please route to all interested parties in your township.

STATE REPRESENTATIVE WHO WAS A CANDIDATE FOR STATE SENATE PASSES AWAY

State Rep. Robert Jones (D-Kalamazoo) passed away last weekend. While the official cause of death was not announced, Rep. Jones had been undergoing chemotherapy treatment for esophageal cancer since April of last year. Being the former mayor of Kalamazoo, Rep. Jones had a very personal passion for local government issues. Rep. Jones was involved in what was expected to be a very close and hard-fought race for the 20th Senate District. As a result of the death of Rep. Jones, a new candidate needed to be selected to run in his stead, even though the election was just 16 days from the date of his death. Local Democratic political party officials convened Tuesday night and selected current Kalamazoo mayor and Jones' family friend Bobby Hopewell to replace Rep. Jones on the ballot. Mr. Hopewell now faces Rep. Tonya Schuitmaker (R-Antwerp Twp.) on Election Day.

DEATH OF CANDIDATE REQUIRES CLERKS TO REDO BALLOTS

The procedures to replace Rep. Robert Jones on the November ballot are exactly the same as the ones used to replace Rep. Brian Calley on the ballot when he accepted the invitation to run for lieutenant governor this fall. However, the timing of the death of Rep. Jones creates many more issues for local clerks. The law requires new ballots to be prepared with the name of the new candidate to be placed on the ballot. This not only means new ballots, but new testing for the ballot machines. Then, of course, is the issue of absentee voter (AV) ballots. Anyone who has already received an AV ballot is entitled to a new ballot that would include the name of the new candidate. However, the old ballot must be returned to receive a new ballot. For those who have already returned their completed ballot, they may request a new ballot and the old one would be invalidated. Anyone who did not receive a new ballot and voted for the deceased candidate would see their vote in that race invalidated. Obviously, this creates a major obstacle for the new candidate who was selected just two weeks before the election, especially in what was likely to be a very close race. This scenario also highlights one of the challenges of early voting laws. Under Michigan's current system, a person can request the return of a voted AV ballot until Election Day; in early voting systems, the vote is cast and is irretrievable.

GROUP MEETS TO DISCUSS RULES FOR THE COMMERCIAL FOREST ACT

In Michigan, nearly two million acres of private forestland are exempt from taxation under the property tax act and are instead subject to the commercial forest tax. Meetings took place last week to discuss revisions to the rules that implement the act. Fifteen years ago, the tax was based upon how much timber was harvested from the acreage and the current rules still reflect that system. Today, owners of the property pay a flat fee per acre and the state is required to match the amount. The state pays for half of the amount because one of the conditions placed upon commercial forests is that the land must be open to public hunting and fishing. While MTA legislative staff attended the meeting, local township officials also attended. Issues that were discussed included problems with parcel identification due to the state not using local property tax identification numbers and splits that were occurring without proper local authorization. The first draft of the new rules was discussed at the meeting, but final approval is still many meetings and months away.

REMINDER TO LOCAL CLERKS ABOUT OFFICE HOURS JUST PRIOR TO THE ELECTION

Due to a significant level of calls, MTA would like to remind township clerks about state requirements leading up to Election Day. Local clerks are required to be in their office during normal business hours or from 9 a.m. to 2 p.m. on the Saturday before the election per MCL 168.759. This enables residents to come to the township hall to request an absentee voter (AV) ballot in person. In addition, clerks must be available during normal business hours up until 4 p.m. on the Monday before the election for late requests of AV ballots. AV ballots issued on Monday must be voted in the clerk's office per MCL 168.761. Clerks working out of their homes must be available to voters during these same timeframes.

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