

March 22, 2018

The Honorable Aaron Miller, Chair of the House Committee on Elections & Ethics
Members of the House Committee on Elections & Ethics

SB 810 is among the package of election clean-up bills that has passed the Senate and been referred to House Elections.

I commend the general proposition of updating statutes and cross-references – including the years-long effort of Sen. Robertson and the Secretary of State to update the Elections Code (the objective of SB 809), with the able assistance of LSB – where those updated statutes have continuing relevance. Certainly MCL 168.467n, being repealed by SB 809, has served its purpose, so its repeal is appropriate as part of the update to the Elections Code.

I respectfully submit that SB 810 does not fit that mold. It was advised by LSB because the repeal of MCL 168.467n affects references in two RJA sections to the last section in the Elections Code chapter governing the election of district judges, but what do those sections do?

Both sections in SB 810 were time specific and those dates have LONG passed.

One section (MCL 600.9941) covers the conversion of the former Common Pleas Court of Detroit into District Court District 36 in **1981**, with the last active provision applying in **1984**. What that section was intended to achieve has been accomplished – over 30 years ago. Its history has value (it is among several sections related to the origin of the district court and the expansion the district court system over the years into areas that initially retained municipal courts) but it has no current effect. (Other sections now cover the number and election of judges in D36.)

Moreover, updating a statute that **was correct when enacted** (especially the reference to **MCL 168.467n**) and **has no future application** is to rewrite history to include a **false reference** that would have been wrong when that section was applicable. In fact, if SB 810 were to become law and anyone were to look up the history of MCL 600.9941, they would not find the reference to MCL 168.467n, which was directly related and *indispensable* to the election process in MCL 600.9941. That's just wrong!

The other section (MCL 600.9940) covered the last attempt to bring the municipal courts of the Grosse Pointes into the district court system. Cities had to act by May 1, **1982** – and did not. The last application of that section was 35 years ago. If that issue ever comes up again (and pardon it I don't hold my breath while waiting – since the Pointes have now held out for 50 years), it is likely other parts of the section would be changed or something different enacted in its place; checking any cross-reference would be part of the normal drafting process.

Having been privileged to serve two years in the LSB Legal Division and valuing their expertise and assistance for fifty years, I reluctantly disagree with my friends in LSB on this occasion as to the need to amend these sections now.

I believe SB 810 should remain in committee. However, if it is concluded that MCL 600.9940 just might in some unlikely scenario be applicable in the future and therefore needs to be amended by SB 810, then please at least strike Sec. 9941 from the bill (not from the law) because it makes no sense to amend it.

Respectfully,

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