

COUNTY ADMINISTRATION

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701 Main Street
St. Joseph, Michigan 49085

Telephone: (269) 983-7111
Fax: (269) 983-5788
www.BerrienCounty.org

TO: Stacey Loar-Porter, Berrien County Clerk

FROM: Thaddeus J. Hackworth, Berrien County Corporate Counsel

CC: Christina Price, Baroda Township Clerk

RE: Village of Baroda Disincorporation Question – Electors Entitled to Vote Under MCL 74.18a

DATE: September 24, 2026

PURPOSE

A petition to disincorporate the Village of Baroda has been filed with the Baroda Township Clerk and found sufficient under MCL 74.18a. The Village Council has not elected to proceed through a disincorporation commission under MCL 74.23 to 74.23i, so the question goes to the voters under section 18a. This memorandum addresses who votes on it.

CONCLUSION

The question should appear on the ballot for all electors of Baroda Township, both inside and outside the Village. Disincorporation passes only if two-thirds of all electors voting on the question vote “yes,” counted as a single pool.

ANALYSIS

Section 18a(6) answers the question directly:

“The clerk and election officials of each township into which the village is proposed to be disincorporated shall conduct the election on the proposed disincorporation in the village and the portions of the township outside the boundaries of the village, respectively.”

The rest of the section is consistent with that reading. The petition is filed with the township clerk, who verifies it and prepares the ballot language. MCL 74.18a(1), (4). Approval requires two-thirds “of the electors voting on the questions,” with no separate count for village and township voters. MCL 74.18a(9).

Section 18a(4) is the potential source of some confusion, which provides:

“[T]he question of the disincorporation of the village shall appear on the ballot at the next general or special election to be held in the village, subject to the Michigan election law”

Read in isolation, “held in the village” could suggest that only village electors vote. But that is not what the phrase is intended to do. It tells the township clerk *when* the question goes on the ballot: the next general or special election at which the village’s electors are voting, subject to the scheduling rules of the Michigan Election Law. It says nothing about *who* votes. Because the Village of Baroda lies entirely within Baroda Township, any election held in the Village is necessarily held in the Township as well.

Reading subsection (4) to limit the electorate to the Village would also render subsection (6) meaningless. There would be no election for township officials to conduct “in . . . the portions of the township outside the boundaries of the village.” The specific directive in subsection (6) on where the election is conducted controls over the general timing language in subsection (4).