

# HOUSE BILL No. 4976

July 13, 1989, Introduced by Reps. Bender, Emmons, Bartnik, Van Regenmorter, Randall, Allen, Johnson, Miller, Ciaramitaro, Weeks, Crandall and Sparks and referred to the Committee on Elections.

A bill to amend sections 411a, 412a, and 617 of Act No. 451 of the Public Acts of 1976, entitled as amended

"The school code of 1976,"

as amended by Act No. 322 of the Public Acts of 1984, being sections 380.411a, 380.412a, and 380.617 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 411a, 412a, and 617 of Act No. 451 of  
2 the Public Acts of 1976, as amended by Act No. 322 of the Public  
3 Acts of 1984, being sections 380.411a, 380.412a, and 380.617 of  
4 the Michigan Compiled Laws, are amended to read as follows:

5       Sec. 411a. (1) Four members of the board of a first class  
6 school district shall be elected at large. The following  
7 provisions ~~shall~~ apply to the terms, nomination, and election

1 of the at large members of the board of a school district  
2 organized as a first class school district on January 1, 1980:

3 ~~(a) On January 1, 1983, the 2 members elected pursuant to~~  
4 ~~former section 411 for a term of 4 years at the general election~~  
5 ~~held in November, 1980, or appointed pursuant to former section~~  
6 ~~411 to fill a vacancy of a member whose term otherwise would have~~  
7 ~~expired on December 31, 1984, shall continue to serve as at large~~  
8 ~~members of the board until January 1, 1985.~~

9 ~~(b) Two members shall be elected for a term of 2 years at~~  
10 ~~the general election to be held in November, 1982.~~

11 (A) ~~(c)~~ Four members shall be elected for a term of 4  
12 years at the general election to be held in November, 1984 and  
13 every 4 years ~~thereafter~~ AFTER 1984.

14 (B) ~~(d)~~ Each candidate shall be nominated at a primary  
15 held in conjunction with the preceding primary election conducted  
16 pursuant to section 534 of the Michigan election law, Act No. 116  
17 of the Public Acts of 1954, as amended, being section 168.534 of  
18 the Michigan Compiled Laws. The nominating petitions shall con-  
19 tain not less than 500 ~~—, nor~~ OR more than 1,000 ~~—~~ signatures  
20 of registered school electors of the city in which the first  
21 class school district is located; shall meet the requirements of  
22 section 544c of the Michigan election law, Act No. 116 of the  
23 Public Acts of 1954, as amended, being section 168.544c of the  
24 Michigan Compiled Laws; and shall be filed with the clerk of the  
25 city in which the first class school district is located on or  
26 before 4 p.m. of the ~~ninth~~ TWELFTH Tuesday before the primary  
27 election. The city clerk may compare the signatures on the

1 petitions with the signatures appearing on the registration  
2 records, or in some other proper manner determine whether the  
3 signatures appearing on the petition are genuine and comply with  
4 the requirements of this section. With the petitions, a candi-  
5 date shall file an affidavit as provided in section 558 of ~~the~~  
6 ~~Michigan election law,~~ Act No. 116 of the Public Acts of 1954,  
7 being section 168.558 of the Michigan Compiled Laws. The clerk  
8 of the city shall notify the county clerk of the ~~names and~~  
9 ~~addresses of the candidates~~ NAME AND ADDRESS OF EACH CANDIDATE  
10 not later than 3 days after the last day for candidate  
11 withdrawal. However, if the third day is a Saturday, Sunday, or  
12 legal holiday, the notice may be made on the next ~~secular~~ day  
13 THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL HOLIDAY.

14 (C) ~~(e)~~ Each member shall commence his or her term of  
15 office on January 1 following his or her election.

16 (2) The board of a first class school district shall elect  
17 its officers during the month of January of each odd numbered  
18 year. The president of the board shall be a member of the board,  
19 and the duties of the president shall be determined by the  
20 board.

21 (3) Petitions to recall a member of the board of a first  
22 class school district filed and pending before this section  
23 becomes operative in a school district that becomes a first class  
24 school district may be withdrawn by the person or organization  
25 filing or sponsoring the recall petitions within 20 days after  
26 the section becomes operative in a school district that becomes a  
27 first class school district. A board member of a first class

1 school district who is recalled may be a candidate for the same  
2 office at the next election for an office at which the recalled  
3 member is otherwise eligible.

4       (4) The term of office of each board member serving in a  
5 school district which after January 1, 1983, becomes a first  
6 class school district ~~shall expire~~ EXPIRES on the next succeed-  
7 ing December 31 of an even numbered year, except that if the  
8 school district becomes a first class school district later than  
9 April 1 of an even numbered year, the term of office of each  
10 board member ~~shall expire~~ EXPIRES on December 31 of the next  
11 succeeding even numbered year after the year in which the dis-  
12 trict became a first class school district. For a district  
13 becoming a first class school district, 4 school board members  
14 shall be elected in the general election of the even numbered  
15 year in which the terms of office expire, and the 4 school board  
16 members elected shall commence 4-year terms on January 1 of the  
17 odd numbered year following the general election.

18       (5) If a vacancy occurs on the first class school district  
19 board from among the at large members, the vacancy shall be  
20 filled by majority vote of the remaining first class school dis-  
21 trict board members at a meeting called by the president of the  
22 board for that purpose. If a person is appointed to fill a  
23 vacancy for which the unexpired term is more than 1 year and 8  
24 months, that person shall serve until January 1 following the  
25 next general election. At that first general election the  
26 vacancy shall be filled for the unexpired term. A vacancy shall

1 not be filled later than 60 days before a primary election at  
2 which at large board members are to be nominated.

3 (6) A candidate for the office of board member at large or a  
4 person appointed to fill a vacancy on the board pursuant to sub-  
5 section (5) shall be 18 years of age or older at the time of his  
6 or her election or appointment and shall be a registered school  
7 elector residing in the first class school district in which the  
8 person becomes a candidate or which the person is appointed to  
9 represent. If an at large member's residence is moved from the  
10 first class school district during the at large member's term of  
11 office, it shall constitute a vacating of office.

12 Sec. 412a. (1) In the November, 1982 election and every 4  
13 years ~~thereafter~~ AFTER 1982, 7 members of the board of a first  
14 class school district shall be elected by voting districts. Each  
15 member shall represent a voting district described in section  
16 404b.

17 (2) The members shall be nominated and elected by the regis-  
18 tered school electors of each voting district in the manner pro-  
19 vided by law for the nomination and election of the first class  
20 school board members elected at large, except that the number of  
21 signatures required on nominating petitions of a candidate for  
22 election as a representative of a voting district shall be not  
23 less than 250 ~~nor~~ OR more than 500. A signature on a nominat-  
24 ing petition ~~shall~~ IS not ~~be~~ valid unless the petitioner is a  
25 registered school elector of the voting district in which the  
26 candidate is running for election. Not more than 2 candidates

1 shall be nominated at the primary election for each voting  
2 district.

3       (3) Candidates shall be nominated at a primary held in con-  
4 junction with the preceding primary election conducted pursuant  
5 to section 534 of the Michigan election law, Act No. 116 of the  
6 Public Acts of 1954, as amended, being section 168.534 of the  
7 Michigan Compiled Laws. Nominating petitions shall meet the  
8 requirements of section 544c of ~~the Michigan election law,~~ Act  
9 No. 116 of the Public Acts of 1954, as amended, being section  
10 168.544c of the Michigan Compiled Laws, and shall be filed with  
11 the clerk of the city in which the first class school district is  
12 located on or before 4 p.m. of the ~~ninth~~ TWELFTH Tuesday pre-  
13 ceding the primary election. The city clerk may compare the sig-  
14 natures on the petitions with the signatures appearing on the  
15 registration records, or in some other proper manner determine  
16 whether the signatures appearing on the petitions are genuine and  
17 comply with the requirements of this section. With the peti-  
18 tions, a candidate shall file an affidavit as provided in section  
19 558 of ~~the Michigan election law,~~ Act No. 116 of the Public  
20 Acts of 1954, being section 168.558 of the Michigan Compiled  
21 Laws.

22       (4) The 7 board members elected to represent the voting dis-  
23 tricts shall commence their terms of office on January 1 follow-  
24 ing the election.

25       (5) A candidate for the office of board member representing  
26 a voting district or a person appointed to fill a vacancy  
27 pursuant to subsection (6) shall be 18 years of age or older at

1 the time of his or her election or appointment and shall be a  
2 registered school elector residing in the voting district in  
3 which the person becomes a candidate or which the person is  
4 appointed to represent. If a voting district member's residence  
5 is moved from the voting district during the voting district  
6 member's term of office, ~~it shall constitute~~ THIS CONSTITUTES a  
7 vacating of office.

8       (6) If a vacancy occurs on the first class school district  
9 board from among the voting district members, the vacancy shall  
10 be filled from among registered school electors of the voting  
11 district by majority vote of the remaining first class school  
12 district board members. If a person is appointed to fill a  
13 vacancy in a voting district for which the unexpired term is more  
14 than 1 year and 8 months, that person shall serve until January 1  
15 following the next general election. At that next general elec-  
16 tion the vacancy shall be filled for the unexpired term. A  
17 vacancy shall not be filled later than 60 days before a primary  
18 election at which voting district board members are to be  
19 nominated.

20       Sec. 617. (1) In an intermediate school district in which  
21 sections 615 to 617 are effective, a candidate for the office of  
22 member of the intermediate school board shall be nominated by  
23 filing nominating petitions and an affidavit as provided in sec-  
24 tion 558 of the Michigan election law, Act No. 116 of the Public  
25 Acts of 1954, being section 168.558 of the Michigan Compiled  
26 Laws, with the secretary of the board of the intermediate school

1 district before 4 p.m. of the ~~forty-ninth day~~ NINTH MONDAY  
2 before the election.

3 (2) The nominating petitions shall be in the form provided  
4 in section 1066. Nominating petitions shall contain signatures  
5 of school electors who are registered to vote in the city or  
6 township in which they reside equal in number to not less than  
7 1.5% of the combined pupil memberships of the constituent dis-  
8 tricts on the latest pupil membership count day. A candidate  
9 ~~shall~~ IS not ~~be~~ required to file signatures of more than  
10 5,000 voters. Each sheet of the petition shall be circulated in  
11 1 city or township only.

12 (3) Within 14 days after the last date for filing, the sec-  
13 retary of the intermediate school board shall certify the names  
14 and addresses of those candidates whose petitions are found to be  
15 sufficient to the secretaries of the boards of the constituent  
16 districts. The secretary of the intermediate school board shall  
17 certify the number to be elected. The secretary of the interme-  
18 diate school board shall notify the county clerk of the names and  
19 addresses of the candidates not later than 3 days after the last  
20 day for candidate withdrawal. However, if the third day is a  
21 Saturday, Sunday, or legal holiday, the notice may be sent on the  
22 next ~~secular~~ day THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL  
23 HOLIDAY.

24 (4) The intermediate school board shall provide ballots for  
25 the election of members of the intermediate school board and dis-  
26 tribute the ballots to the secretaries of each of the constituent



1 districts not less than 20 days before the annual school  
2 elections.

3 (5) At the first election, 3 members of an intermediate  
4 school board shall be elected for a term of 6 years, 2 for a term  
5 of 4 years, and 2 for a term of 2 years. ~~Thereafter~~ AFTER THE  
6 FIRST ELECTION, their successors shall be elected biennially for  
7 terms of 6 years.

8 (6) The intermediate school board of an intermediate school  
9 district adopting sections 615 to 617 shall fill a vacancy in the  
10 board's membership by appointing a member to serve until the next  
11 biennial election, at which time a member shall be elected for  
12 the balance of the unexpired term.

13 Section 2. This amendatory act shall not take effect unless  
14 Senate Bill No. \_\_\_\_ or House Bill No. 4974 (request  
15 no. 00777'89) of the 85th Legislature is enacted into law.