

# HOUSE BILL No. 4105

January 28, 1997, Introduced by Reps. Brackenridge, Hammerstrom, Dobronski and Jansen and referred to the Committee on Local Government.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
(MCL 168.1 to 168.992) by adding section 17 and chapter XIV.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1           SEC. 17. AS USED IN THIS ACT:
- 2           (A) "SCHOOL BOARD" MEANS THE GOVERNING BODY OF A SCHOOL
- 3 DISTRICT.
- 4           (B) "SCHOOL BOARD MEMBER" MEANS A PERSON HOLDING THE OFFICE
- 5 OF SCHOOL BOARD MEMBER PURSUANT TO THIS ACT. SCHOOL BOARD MEMBER
- 6 DOES NOT INCLUDE A SCHOOL BOARD MEMBER OF AN INTERMEDIATE SCHOOL
- 7 DISTRICT UNLESS THAT INTERMEDIATE SCHOOL DISTRICT HAS ADOPTED
- 8 SECTIONS 615 TO 617 OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL
- 9 380.615 TO 380.617.
- 10          (C) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT, A LOCAL ACT
- 11 SCHOOL DISTRICT, OR AN INTERMEDIATE SCHOOL DISTRICT, AS THOSE

1 TERMS ARE DEFINED IN THE REVISED SCHOOL CODE, 1976 PA 451, MCL  
2 380.1 TO 380.1852.

3 CHAPTER XIV.

4 ~~SUPERINTENDENT OF PUBLIC INSTRUCTION AND STATE~~

5 ~~HIGHWAY COMMISSIONER~~

6 SCHOOL ELECTIONS

7 SEC. 301. (1) A PERSON IS ELIGIBLE TO BE ELECTED TO THE  
8 OFFICE OF SCHOOL BOARD MEMBER IF THE PERSON IS A CITIZEN OF THE  
9 UNITED STATES AND IS A QUALIFIED AND REGISTERED ELECTOR OF THE  
10 SCHOOL DISTRICT HE OR SHE SEEKS TO REPRESENT.

11 (2) THE TERM OF OFFICE FOR SCHOOL BOARD MEMBER IS 4 YEARS,  
12 COMMENCING AT 12 NOON ON THE JANUARY 1 IMMEDIATELY FOLLOWING HIS  
13 OR HER ELECTION. EXCEPT AS OTHERWISE PROVIDED IN SECTION 308, A  
14 SCHOOL BOARD MEMBER'S TERM OF OFFICE CONTINUES UNTIL A SUCCESSOR  
15 IS ELECTED AND QUALIFIED.

16 (3) THE TERM OF OFFICE OF AN INDIVIDUAL ELECTED TO THE  
17 OFFICE OF SCHOOL BOARD MEMBER BEFORE THE EFFECTIVE DATE OF THIS  
18 SECTION IS GOVERNED BY THE REVISED SCHOOL CODE, 1976 PA 451, MCL  
19 380.1 TO 380.1852.

20 SEC. 302. (1) TO OBTAIN THE PRINTING OF THE NAME OF A  
21 PERSON AS A CANDIDATE FOR THE OFFICE OF SCHOOL BOARD MEMBER UPON  
22 THE OFFICIAL BALLOTS IN THE VARIOUS ELECTION PRECINCTS OF A  
23 SCHOOL DISTRICT, THE CANDIDATE SHALL FILE AN AFFIDAVIT AS  
24 REQUIRED IN SECTION 558 AND NOMINATING PETITIONS SIGNED BY A  
25 NUMBER OF QUALIFIED AND REGISTERED ELECTORS RESIDING IN THE  
26 SCHOOL DISTRICT EQUAL TO NOT LESS THAN 1% OR MORE THAN 2% OF THE  
27 TOTAL NUMBER OF VOTES CAST IN THE SCHOOL DISTRICT FOR THE SCHOOL

1 BOARD MEMBER WHO RECEIVED THE GREATEST NUMBER OF VOTES AT THE  
2 LAST ELECTION IN WHICH A SCHOOL BOARD MEMBER WAS ELECTED TO  
3 OFFICE. HOWEVER, THE NUMBER OF SIGNATURES ON THE PETITION SHALL  
4 NOT BE LESS THAN 20.

5 (2) IF THE SCHOOL DISTRICT COMPRISES MORE THAN 1 COUNTY,  
6 CITY, OR TOWNSHIP, THE CANDIDATE SHALL FILE THE NOMINATING PETI-  
7 TIONS AND AFFIDAVIT WITH OR AS DIRECTED BY THE COUNTY CLERK OF  
8 THE COUNTY OF THAT CANDIDATE'S RESIDENCE. IF THE SCHOOL DISTRICT  
9 COMPRISES 1 CITY OR TOWNSHIP OR LESS, THE CANDIDATE SHALL FILE  
10 THE NOMINATING PETITIONS AND AFFIDAVIT WITH THE CLERK OF THAT  
11 CITY OR TOWNSHIP.

12 (3) NOMINATING PETITIONS UNDER THIS SECTION SHALL BE IN THE  
13 FORM PRESCRIBED IN SECTION 544A. EXCEPT AS OTHERWISE PROVIDED IN  
14 THIS SUBSECTION, THE APPROPRIATE COUNTY, CITY, OR TOWNSHIP CLERK  
15 SHALL RECEIVE NOMINATING PETITIONS FOR FILING UNDER THIS CHAPTER  
16 UP TO 4 P.M. OF THE TWELFTH TUESDAY BEFORE THE DATE OF THE AUGUST  
17 PRIMARY ELECTION IN ODD-NUMBERED YEARS. IF THE TWELFTH TUESDAY  
18 BEFORE THE ELECTION FALLS ON A LEGAL HOLIDAY, THE CLERK SHALL  
19 RECEIVE NOMINATING PETITIONS FOR FILING UNDER THIS CHAPTER UP TO  
20 4 P.M. OF THE NEXT BUSINESS DAY.

21 SEC. 303. AFTER THE FILING OF A NOMINATING PETITION BY OR  
22 ON BEHALF OF A PROPOSED CANDIDATE FOR THE OFFICE OF SCHOOL BOARD  
23 MEMBER, THE CANDIDATE SHALL NOT BE PERMITTED TO WITHDRAW UNLESS A  
24 WRITTEN NOTICE OF WITHDRAWAL IS SERVED ON THE FILING OFFICIAL  
25 WITH WHOM HIS OR HER NOMINATING PETITIONS WERE FILED, OR THE  
26 FILING OFFICIAL'S AUTHORIZED AGENT, ON OR BEFORE 4 P.M. OF THE  
27 THIRD DAY AFTER THE LAST DAY FOR FILING NOMINATING PETITIONS.

1 HOWEVER, IF THE THIRD DAY FALLS ON A LEGAL HOLIDAY, A WRITTEN  
2 NOTICE OF WITHDRAWAL IS EFFECTIVE IF SERVED ON THE APPROPRIATE  
3 PERSON AS PROVIDED IN THIS SUBSECTION ON OR BEFORE 4 P.M. OF THE  
4 NEXT BUSINESS DAY.

5 SEC. 304. AT LEAST 1 SCHOOL BOARD MEMBER IN EACH SCHOOL  
6 DISTRICT SHALL BE ELECTED TO OFFICE IN EACH ODD YEAR GENERAL  
7 ELECTION.

8 SEC. 305. THE APPROPRIATE BOARD OF CANVASSERS AS PRESCRIBED  
9 IN SECTION 24A OR 30A SHALL CANVASS THE VOTES FOR CANDIDATES FOR  
10 THE OFFICE OF SCHOOL BOARD MEMBER IN THE ODD YEAR GENERAL ELEC-  
11 TION IN EACH SCHOOL DISTRICT. THE NUMBER OF CANDIDATES FOR THE  
12 OFFICE OF SCHOOL BOARD MEMBER EQUAL TO THE NUMBER OF PERSONS TO  
13 BE ELECTED WHO RECEIVE THE GREATEST NUMBER OF VOTES CAST AT THE  
14 ELECTION, AS SET FORTH IN THE REPORT OF THE BOARD OF CANVASSERS  
15 CANVASSING THE VOTES, BASED UPON THE RETURNS FROM THE VARIOUS  
16 ELECTION PRECINCTS OR AS DETERMINED BY THE BOARD OF CANVASSERS AS  
17 A RESULT OF A RECOUNT, SHALL BE DECLARED ELECTED TO THE OFFICE OF  
18 SCHOOL BOARD MEMBER. UPON COMPLETION OF THE CANVASS, THE BOARD  
19 OF CANVASSERS SHALL MAKE A STATEMENT OF RETURNS AND CERTIFY THE  
20 ELECTION OF SCHOOL BOARD MEMBERS TO THE APPROPRIATE FILING OFFI-  
21 CIAL WHO RECEIVED THE NOMINATING PETITIONS IN THAT SCHOOL DIS-  
22 TRICT UNDER SECTION 302.

23 SEC. 306. THE OFFICIAL WHO RECEIVES THE CERTIFICATION OF  
24 THE BOARD OF CANVASSERS UNDER SECTION 305 SHALL FILE IN HIS OR  
25 HER OFFICE AND PRESERVE THE ORIGINAL STATEMENT OF RETURNS AND  
26 CERTIFICATION OF THE BOARD OF CANVASSERS OF THE RESULT OF THE  
27 ELECTION. THE OFFICIAL SHALL IMMEDIATELY EXECUTE AND CAUSE TO BE

1 DELIVERED TO THE PERSONS DECLARED ELECTED TO THE OFFICE OF SCHOOL  
2 BOARD MEMBER A CERTIFICATE OF ELECTION, CERTIFIED BY THE  
3 OFFICIAL.

4 SEC. 307. A PERSON ELECTED TO THE OFFICE OF SCHOOL BOARD  
5 MEMBER, BEFORE ENTERING UPON THE DUTIES OF HIS OR HER OFFICE,  
6 SHALL TAKE AND SUBSCRIBE TO THE OATH PROVIDED IN SECTION 1 OF  
7 ARTICLE XI OF THE STATE CONSTITUTION OF 1963.

8 SEC. 308. THE OFFICE OF A SCHOOL BOARD MEMBER SHALL BECOME  
9 VACANT IMMEDIATELY, WITHOUT DECLARATION BY AN OFFICER OR ACCEP-  
10 TANCE BY THE SCHOOL BOARD OR 1 OF ITS MEMBERS, UPON ANY OF THE  
11 FOLLOWING EVENTS:

12 (A) THE DEATH OF THE SCHOOL BOARD MEMBER.

13 (B) THE SCHOOL BOARD MEMBER'S BEING ADJUDICATED INSANE OR  
14 BEING FOUND TO BE MENTALLY INCOMPETENT BY A COURT OF COMPETENT  
15 JURISDICTION.

16 (C) THE SCHOOL BOARD MEMBER'S RESIGNATION.

17 (D) THE SCHOOL BOARD MEMBER'S REMOVAL FROM OFFICE.

18 (E) THE SCHOOL BOARD MEMBER'S CONVICTION OF A FELONY.

19 (F) THE SCHOOL BOARD MEMBER'S ELECTION OR APPOINTMENT BEING  
20 DECLARED VOID BY A COMPETENT TRIBUNAL.

21 (G) THE SCHOOL BOARD MEMBER'S NEGLIGENCE OR FAILURE TO FILE THE  
22 ACCEPTANCE OF OFFICE, TO TAKE THE OATH OF OFFICE, OR TO GIVE OR  
23 RENEW AN OFFICIAL BOND REQUIRED BY LAW.

24 (H) THE FAILURE OF THE SCHOOL DISTRICT TO ELECT A SUCCESSOR  
25 AT THE ODD YEAR GENERAL ELECTION.

26 (I) THE SCHOOL BOARD MEMBER CEASING TO POSSESS THE LEGAL  
27 QUALIFICATIONS FOR HOLDING OFFICE.

1 (J) THE SCHOOL BOARD MEMBER MOVING HIS OR HER RESIDENCE FROM  
2 THE SCHOOL DISTRICT.

3 SEC. 309. (1) IF A VACANCY OCCURS IN THE OFFICE OF SCHOOL  
4 BOARD MEMBER AS PROVIDED IN SECTION 308, THE VACANCY SHALL BE  
5 FILLED WITHIN 45 DAYS BY ELECTION OF A QUALIFIED AND REGISTERED  
6 ELECTOR OF THE SCHOOL DISTRICT BY A MAJORITY OF THE REMAINING  
7 MEMBERS OF THE SCHOOL BOARD. THE PERSON ELECTED BY THE SCHOOL  
8 BOARD UNDER THIS SUBSECTION SHALL HOLD THE OFFICE OF SCHOOL BOARD  
9 MEMBER UNTIL THE NEXT ODD YEAR GENERAL ELECTION. THE SCHOOL  
10 BOARD SHALL CAUSE THE REMAINDER OF THE TERM OF THE VACANCY TO BE  
11 FILLED BY SPECIAL ELECTION HELD IN CONJUNCTION WITH THE ODD YEAR  
12 GENERAL ELECTION. THE PERSON ELECTED AT THE ODD YEAR GENERAL  
13 ELECTION TO FILL A VACANCY UNDER THIS SUBSECTION SHALL HOLD THE  
14 OFFICE OF SCHOOL BOARD MEMBER FOR THE FULL REMAINDER OF THE TERM  
15 OF THE FORMER MEMBER.

16 (2) IF THE REMAINING MEMBERS OF THE SCHOOL BOARD FAIL TO  
17 FILL A VACANCY AS REQUIRED UNDER SUBSECTION (1), THE SCHOOL BOARD  
18 SHALL CAUSE THE VACANCY TO BE FILLED AT THE NEXT ODD YEAR GENERAL  
19 ELECTION BY SPECIAL ELECTION HELD IN CONJUNCTION WITH THAT  
20 ELECTION. THE PERSON ELECTED TO FILL A VACANCY UNDER THIS SUB-  
21 SECTION SHALL HOLD THE OFFICE OF SCHOOL BOARD MEMBER FOR THE FULL  
22 REMAINDER OF THE TERM OF THE FORMER MEMBER.

23 (3) UNTIL A VACANCY IS FILLED UNDER THIS SECTION, THE  
24 REMAINING MEMBERS OF THE SCHOOL BOARD HAVE ALL OF THE POWERS AND  
25 DUTIES ESTABLISHED BY LAW.

26 SEC. 310. THE VOTES CAST FOR A CANDIDATE FOR THE OFFICE OF  
27 SCHOOL BOARD MEMBER OR ON A QUESTION SUBMITTED TO THE VOTERS OF A

1 SCHOOL DISTRICT AT AN ELECTION ARE SUBJECT TO RECOUNT AS PROVIDED  
2 IN CHAPTER XXXIII.

3 SEC. 311. A PERSON ELECTED TO THE OFFICE OF SCHOOL BOARD  
4 MEMBER IS SUBJECT TO RECALL AS PROVIDED IN CHAPTER XXXVI AND IN  
5 SECTION 8 OF ARTICLE II OF THE STATE CONSTITUTION OF 1963.

6 SEC. 315. (1) A SCHOOL BOARD MAY CAUSE A QUESTION TO BE  
7 SUBMITTED TO THE VOTE OF THE REGISTERED ELECTORS OF THE SCHOOL  
8 DISTRICT AS PROVIDED IN THIS SECTION. UPON DECISION OF THE  
9 SCHOOL BOARD TO CAUSE A QUESTION TO BE SUBMITTED TO THE VOTE OF  
10 THE REGISTERED ELECTORS OF THE SCHOOL DISTRICT, THE SCHOOL BOARD  
11 SHALL CERTIFY THE QUESTION TO BE VOTED UPON TO THE CLERK OF EACH  
12 COUNTY, CITY, TOWNSHIP, OR VILLAGE THAT IS LOCATED, EITHER IN  
13 WHOLE OR IN PART, WITHIN THE SCHOOL DISTRICT.

14 (2) EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED BY LAW, A  
15 PERSON MAY FILE PETITIONS REQUESTING A QUESTION TO BE SUBMITTED  
16 TO THE VOTE OF THE REGISTERED ELECTORS OF A SCHOOL DISTRICT  
17 SIGNED BY 5% OR MORE OF THE REGISTERED ELECTORS OF THE SCHOOL  
18 DISTRICT, BUT THE NUMBER SHALL NOT BE LESS THAN 25. IF THE  
19 SCHOOL DISTRICT COMPRISES MORE THAN 1 COUNTY, CITY, OR TOWNSHIP,  
20 THE PERSON SHALL FILE THE PETITIONS WITH THE CLERK OF THE COUNTY  
21 IN WHICH THE GREATEST NUMBER OF REGISTERED VOTERS ELIGIBLE TO  
22 VOTE IN THE SCHOOL DISTRICT RESIDE. IF THE SCHOOL DISTRICT COM-  
23 PRISES 1 CITY OR TOWNSHIP OR LESS, THE PERSON SHALL FILE THE  
24 PETITIONS WITH THE CLERK OF THAT CITY OR TOWNSHIP. UPON RECEIPT  
25 OF PETITIONS UNDER THIS SUBSECTION, A COUNTY CLERK SHALL NOTIFY  
26 THE CLERK OF EACH CITY OR TOWNSHIP THAT IS LOCATED, EITHER IN

1 WHOLE OR IN PART, WITHIN THE SCHOOL DISTRICT OF THE RECEIPT OF  
2 THE PETITIONS UNDER THIS SUBSECTION.

3 (3) UPON RECEIPT OF THE CERTIFICATION BY A SCHOOL BOARD  
4 UNDER SUBSECTION (1) OR UPON DETERMINATION THAT PETITIONS FILED  
5 UNDER SUBSECTION (2) MEET THE LAWFUL SIGNATURE REQUIREMENTS, THE  
6 QUESTION SHALL BE SUBMITTED TO THE REGISTERED ELECTORS OF THE  
7 SCHOOL DISTRICT AT A SPECIAL ELECTION TO BE HELD ON 1 OF THE  
8 ELECTION DATES ESTABLISHED IN SECTION 641A. THE CLERKS OF THE  
9 APPROPRIATE JURISDICTIONS THAT COMPRISE A SCHOOL DISTRICT SHALL  
10 CALL THE SPECIAL ELECTION UNDER THIS SECTION BY GIVING THE  
11 REQUIRED LEGAL NOTICE.

12 (4) A QUESTION SHALL NOT BE SUBMITTED TO THE VOTE OF THE  
13 QUALIFIED ELECTORS OF A SCHOOL DISTRICT UNLESS THE QUESTION TO BE  
14 VOTED UPON IS WITHIN THE LAWFUL AUTHORITY OF THE QUALIFIED ELEC-  
15 TORS OF THAT SCHOOL DISTRICT TO DECIDE. A QUESTION SHALL NOT BE  
16 SUBMITTED TO THE VOTE OF THE QUALIFIED ELECTORS OF A SCHOOL DIS-  
17 TRICT UNLESS THE QUESTION TO BE VOTED UPON IS STATED IN THE  
18 NOTICE OF THE ELECTION.

19 SEC. 320. THE PROVISIONS OF THIS ACT APPLICABLE TO THE CON-  
20 DUCT OF ELECTIONS SHALL BE APPLICABLE AS NEAR AS POSSIBLE IN ALL  
21 RESPECTS TO A GENERAL OR SPECIAL ELECTION CONDUCTED UNDER THIS  
22 CHAPTER, UNLESS OTHERWISE SPECIFICALLY PROVIDED TO THE CONTRARY.

23 Enacting section 1. This amendatory act does not take  
24 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_  
25 (request no. 00254'97) of the 89th Legislature is enacted into  
26 law.



1 Enacting section 2. Section 17 and chapter XIV of 1954 PA  
2 16, as added by this amendatory act, takes effect January 1, 2001  
3 if the commission created by section 37 of the Michigan election  
4 law, 1954 PA 116, MCL 168.37, submits its recommendations as  
5 required by that section and those recommendations are printed in  
6 the journals of the Michigan senate and the Michigan house of  
7 representatives on or before February 3, 1998.