

Act No. 157
Public Acts of 2002
Approved by the Governor
April 8, 2002
Filed with the Secretary of State
April 8, 2002
EFFECTIVE DATE: January 1, 2003

**STATE OF MICHIGAN
91ST LEGISLATURE
REGULAR SESSION OF 2002**

Introduced by Senators Sikkema, Hammerstrom, Johnson, McCotter and Garcia

ENROLLED SENATE BILL No. 385

AN ACT to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," by amending sections 614, 617, and 1066 (MCL 380.614, 380.617, and 380.1066), section 614 as amended by 1992 PA 263, section 617 as amended by 1989 PA 268, and section 1066 as amended by 1995 PA 289.

The People of the State of Michigan enact:

Sec. 614. (1) Except as provided in section 615, the members of the intermediate school board shall be elected biennially on the first Monday in June by a body composed of 1 member of the board of each constituent school district, who shall be designated by the board of which that person is a member. The secretary shall send a notice by certified mail of the hour and place of meeting to the secretary of the board of each constituent district at least 10 days before the meeting. The president and secretary of the intermediate school board shall act as chairperson and secretary.

(2) Except as provided in section 703, the term of office of each member elected to the intermediate school board shall be for 6 years and shall begin on July 1 following election. Not more than 2 members of the intermediate school board shall be from the same school district unless there are fewer districts than there are positions to be filled.

(3) A vacancy shall be filled by the remaining members of the intermediate school board until the next biennial election at which time the vacancy shall be filled for the balance of the unexpired term. Notice of the vacancy shall be filed with the state board within 5 days after the vacancy occurs. If the vacancy is not filled within 30 days after it occurs, the vacancy shall be filled by the state board.

(4) Subject to subsection (6), a candidate for election to the intermediate school board shall be nominated by petitions that are signed by a number of school electors of the combined constituent school districts of the intermediate school district, as follows:

(a) If the population of the intermediate school district is less than 10,000 according to the most recent federal census, a minimum of 6 and a maximum of 20.

(b) If the population of the intermediate school district is 10,000 or more according to the most recent federal census, a minimum of 40 and a maximum of 100.

(5) A school elector may sign as many petitions as there are vacancies to fill. Nominating petitions and an affidavit as provided in section 558 of the Michigan election law, 1954 PA 116, MCL 168.558, shall be filed with the secretary of the intermediate school board not later than 30 days before the date of the biennial election under subsection (1). The secretary shall determine the sufficiency of the petitions and the eligibility of the candidates nominated. The secretary shall provide ballots for the biennial election, listing on the ballots the names of all candidates properly nominated. The chairperson of the biennial election may accept nominations for a vacancy from the floor only if no nominating petitions have been filed for the vacancy. Section 1066 applies to the form and manner of circulation of nominating petitions for a candidate for membership on the intermediate school board.

(6) Instead of filing nominating petitions, a candidate for election to the intermediate school board may pay a nonrefundable filing fee of \$100.00 to the secretary of the intermediate school board. If this fee is paid by the due date for nominating petitions, the payment has the same effect under this section as the filing of nominating petitions.

(7) The president shall appoint 2 persons not members of the intermediate school board or candidates for election as a board of canvassers and they shall canvass the vote following balloting. This becomes the official canvass.

Sec. 617. (1) Subject to subsection (4), in an intermediate school district in which sections 615 to 617 are effective, a candidate for the office of member of the intermediate school board shall be nominated by filing nominating petitions and an affidavit as provided in section 558 of the Michigan election law, 1954 PA 116, MCL 168.558, with the secretary of the board of the intermediate school district before 4 p.m. of the ninth Monday before the election.

(2) The nominating petitions shall be in the form provided in section 1066. Nominating petitions shall contain signatures of school electors who are registered to vote in the city or township in which they reside in a number as follows:

(a) If the population of the intermediate school district is less than 10,000 according to the most recent federal census, a minimum of 6 and a maximum of 20.

(b) If the population of the intermediate school district is 10,000 or more according to the most recent federal census, a minimum of 40 and a maximum of 100.

(3) Each sheet of the nominating petition shall be circulated in 1 city or township only.

(4) Instead of filing nominating petitions, a candidate for election to the intermediate school board may pay a nonrefundable filing fee of \$100.00 to the secretary of the intermediate school board. If this fee is paid by the due date for nominating petitions, the payment has the same effect under this section as the filing of nominating petitions.

(5) Within 14 days after the last date for filing, the secretary of the intermediate school board shall certify the names and addresses of those candidates whose petitions are found to be sufficient to the secretaries of the boards of the constituent school districts. The secretary of the intermediate school board shall certify the number to be elected. The secretary of the intermediate school board shall notify the county clerk of the names and addresses of the candidates not later than 3 days after the last day for candidate withdrawal. However, if the third day is a Saturday, Sunday, or legal holiday, the notice may be sent on the next day that is not a Saturday, Sunday, or legal holiday.

(6) The intermediate school board shall provide ballots for the election of members of the intermediate school board and distribute the ballots to the secretaries of each of the constituent school districts not less than 20 days before the annual school elections.

(7) At the first election, 3 members of an intermediate school board shall be elected for a term of 6 years, 2 for a term of 4 years, and 2 for a term of 2 years. After the first election, their successors shall be elected biennially for terms of 6 years.

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

Sec. 1066. (1) Subject to subsection (6), to obtain the printing of the name of a candidate for member of the school board on the ballot, the candidate shall file nominating petitions and an affidavit as provided in section 558 of the Michigan election law, 1954 PA 116, MCL 168.558, with the secretary of the school board or in the office of the school board not later than 4 p.m. on the ninth Monday before the date of election. A school board holding elections in conjunction with a city election may vary the date of filing nominating petitions to conform with the filing date of the city, as provided in section 644k of the Michigan election law, 1954 PA 116, MCL 168.644k.

(2) Each petition shall be signed by a number of school electors of the school district as follows:

(a) If the population of the school district is less than 10,000 according to the most recent federal census, a minimum of 6 and a maximum of 20.

(b) If the population of the school district is 10,000 or more according to the most recent federal census, a minimum of 40 and a maximum of 100.

(3) A school elector shall not sign petitions for more candidates than are to be elected.

(4) The petition shall be substantially in the form prescribed in section 544c of the Michigan election law, 1954 PA 116, MCL 168.544c, except that the petition shall be nonpartisan and shall include the following opening paragraph:

We, the undersigned, registered and qualified voters of _____ and
(legal name of school district)
residents of the _____, the county of _____, state of Michigan,
(city or township)
nominate _____, a registered and qualified elector of _____
(name of candidate) (street address)
_____, of the district as a member of the board of education of the school district for a
(post-office address)
term of ____ years, expiring _____, to be voted for at the election to be held on the ____ day of _____,
(month) (year)

(5) A petition sheet shall not be circulated in more than 1 township or city.

(6) Instead of filing nominating petitions, a candidate for election to the school board may pay a nonrefundable filing fee of \$100.00 to the secretary of the school board. If this fee is paid by the due date for nominating petitions, the payment has the same effect under this section as the filing of nominating petitions.

(7) Upon the filing of nominating petitions, the secretary of the school board shall canvass the petitions to ascertain if the petitions have been signed by the requisite number of school electors, and for the purpose of determining their validity may check doubtful signatures against the registration records by the clerk of the political subdivision in which each petition was circulated to determine the authenticity of the signatures. If it is determined that the nominating petitions of a candidate do not comply with the requirements, including the fact that the candidate does not possess the qualifications as required by law for membership on the school board, or if for another cause the candidate is not entitled to have his or her name printed upon official election ballots, the secretary of the school board shall notify the candidate immediately. If nominating petitions are filed on behalf of the secretary of the school board, the treasurer of the school board shall perform the duties of the secretary.

(8) After a nominating petition is filed by or on behalf of a proposed candidate for membership on the school board, the candidate shall not be permitted to withdraw unless a written notice of withdrawal, signed by the candidate, is served on the secretary of the school board or an authorized agent of the secretary of the school board not later than 4 p.m. of the third day after the last day for filing the petition. The secretary of the school board shall notify the county clerk of the names and addresses of the candidates not later than 3 days after the last date for candidate withdrawal. However, if the third day is a Saturday, Sunday, or legal holiday, the notice may be made on the next day that is not a Saturday, Sunday, or legal holiday.

Enacting section 1. This amendatory act takes effect January 1, 2003.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate.

Jay E. Randall

Clerk of the House of Representatives.

Approved _____

Governor.