

# HOUSE BILL No. 5628

March 10, 2004, Introduced by Reps. Amos, DeRoche, Taub, Stakoe, Hune and Ruth Johnson and referred to the Committee on Education.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 302, 303, and 310 (MCL 168.302, 168.303, and 168.310), as added by 2003 PA 302.

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

1       Sec. 302. (1) ~~An~~ **Subject to subsections (2) and (3), an**  
2 individual is eligible for election as a school board member if  
3 the individual is a citizen of the United States and is a  
4 qualified and registered elector of the school district the  
5 individual seeks to represent by the filing deadline. At least 1  
6 school board member for a school district shall be elected at  
7 each of the school district's regular elections held as provided  
8 in section 642a. Except as otherwise provided in this section or  
9 section 310 or 644g, a school board member's term of office is  
10 prescribed by the applicable provision of section 11a, 617, 701,

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1 or 703 of the revised school code, 1976 PA 451, MCL 380.11a,  
2 380.617, 380.701, and 380.703, or section 34, 34a, 41, 54, or 83  
3 of the community college act of 1966, 1966 PA 331, MCL 389.34,  
4 389.34a, 389.41, 389.54, and 389.83. A school board member's  
5 term begins on 1 of the following dates:

6 (a) If elected at an election held on a November regular  
7 election date, January 1 immediately following the election.

8 (b) If elected at an election held on a May regular election  
9 date, July 1 immediately following the election.

10 (2) For a school district that is an intermediate school  
11 district that has adopted sections 615 to 617 of the revised  
12 school code, 1976 PA 451, MCL 380.615 to 380.617, in addition to  
13 the qualifications under subsection (1), to be eligible to be  
14 elected, or appointed to fill a vacancy, from a voting district  
15 established under those sections an individual shall be a  
16 qualified and registered elector of the intermediate school  
17 district residing in the voting district in which the individual  
18 becomes a candidate or that the individual is appointed to  
19 represent.

20 (3) This section applies as follows:

21 (a) Except for an intermediate school district described in  
22 subsection (2), this section applies beginning January 1, 2005.

23 (b) For an intermediate school district described in  
24 subsection (2), this section applies beginning on the effective  
25 date of the amendatory act that added this subsection.

26 Sec. 303. (1) Subject to ~~subsection (4)~~ subsections (4),  
27 (7), and (8), for an individual's name to appear on the official

1 ballot as a candidate for school board member, the candidate  
2 shall file a nominating petition and the affidavit required by  
3 section 558 with the school district filing official not later  
4 than 4 p.m. on the twelfth Tuesday before the election date. The  
5 nominating petition must be signed by the following number of  
6 electors of the school district:

7 (a) If the population of the school district is less than  
8 10,000 according to the most recent federal census, a minimum of  
9 6 and a maximum of 20.

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

13 (2) The nominating petition shall be substantially in the  
14 form prescribed in section 544c, except that the petition shall  
15 be nonpartisan and shall include the following opening  
16 paragraph:

17 We, the undersigned, registered and qualified voters of  
18 \_\_\_\_\_ and residents of the  
19 **(legal name of school district)**

20 \_\_\_\_\_,  
21 ~~-(legal name of school district)-~~ **(city or township)**

22 the county of \_\_\_\_\_, state of Michigan,  
23 ~~-(city or township)-~~

24 nominate \_\_\_\_\_  
25 (name of candidate)

26 \_\_\_\_\_, a registered  
27 (street address) (city or township)

1 and qualified elector of the district as a member of the board of  
2 education of the school district for a term of \_\_\_\_ years,  
3 expiring \_\_\_\_, to be voted for at the election to be held on the  
4 \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

5 (month) (year)

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

8 (4) Instead of filing nominating petitions, a candidate for  
9 school board member may pay a nonrefundable filing fee of \$100.00  
10 to the school district filing official. If this fee is paid by  
11 the due date for a nominating petition, the payment has the same  
12 effect under this section as the filing of a nominating  
13 petition.

14 (5) A nominating petition filed under this chapter is subject  
15 to the examination and investigation process prescribed in  
16 section 552 as to its sufficiency and the validity and  
17 genuineness of the signatures on the nominating petition, and to  
18 the other procedures prescribed in that section relevant to a  
19 petition filed under this chapter.

20 (6) After a nominating petition is filed or filing fee is  
21 paid for a candidate for school board member, the candidate is  
22 not permitted to withdraw unless a written withdrawal notice,  
23 signed by the candidate, is filed with the school district filing  
24 official not later than 4 p.m. of the third day after the last  
25 day for filing the nominating petition. If the school district  
26 filing official is not a county clerk, the school district filing  
27 official shall notify the county clerk of the candidates' names

1 and addresses not later than 3 days after the last day for filing  
2 a withdrawal notice.

3       (7) Subject to subsection (4), for a school district that is  
4 an intermediate school district that has adopted sections 615 to  
5 617 of the revised school code, 1976 PA 451, MCL 380.615 to  
6 380.617, for an individual's name to appear on the official  
7 ballot as a candidate for school board member, the individual  
8 shall file a nominating petition as otherwise provided in this  
9 section except that the electors signing the nominating petition  
10 shall be electors of the intermediate school district residing in  
11 the voting district in which the individual becomes a candidate  
12 and the number of signatures required under subsection (1) shall  
13 be based on the population of the voting district.

14       (8) This section applies as follows:

15       (a) Except for an intermediate school district described in  
16 subsection (7), this section applies beginning January 1, 2005.

17       (b) For an intermediate school district described in  
18 subsection (7), this section applies beginning on the effective  
19 date of the amendatory act that added this subsection.

20       Sec. 310. (1) Before entering upon the duties of his or her  
21 office, an individual elected to the office of school board  
22 member shall take and subscribe to the oath provided in section 1  
23 of article XI of the state constitution of 1963.

24       (2) The office of a school board member becomes vacant  
25 immediately, regardless of declaration by an officer or  
26 acceptance by the school board or 1 or more of its members, upon  
27 any of the following events:

1 (a) The death of the school board member.

2 (b) The school board member's being adjudicated insane or  
3 being found to be a legally incapacitated individual by a court  
4 of competent jurisdiction.

5 (c) The school board member's resignation.

6 (d) The school board member's removal from office.

7 (e) The school board member's conviction for a felony.

8 (f) The school board member's election or appointment being  
9 declared void by a competent tribunal.

10 (g) The school board member's neglect or failure to file the  
11 acceptance of office, to take the oath of office, or to give or  
12 renew an official bond required by law.

13 (h) The school board member ceasing to possess the legal  
14 qualifications for holding office.

15 (i) The school board member moving his or her residence from  
16 the school district.

17 (j) **If the school district is an intermediate school district**  
18 **that has adopted sections 615 to 617 of the revised school code,**  
19 **1976 PA 451, MCL 380.615 to 380.617, the school board member**  
20 **moving his or her residence from the voting district he or she**  
21 **was elected or appointed to represent.**

22 (3) **This section applies as follows:**

23 (a) **Except for an intermediate school district described in**  
24 **subsection (2)(j), this section applies beginning January 1,**  
25 **2005.**

26 (b) **For an intermediate school district described in**  
27 **subsection (2)(j), this section applies beginning on the**

1 effective date of the amendatory act that added this subsection.

2 Enacting section 1. This amendatory act does not take effect  
3 unless House Bill No. 4338 of the 92nd Legislature is enacted  
4 into law.