

# HOUSE BILL No. 4183

January 31, 2007, Introduced by Rep. Lemmons and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled  
 "The revised school code,"  
 by amending sections 411a, 412a, and 416 (MCL 380.411a, 380.412a,  
 and 380.416), as amended by 2004 PA 303.

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

1           Sec. 411a. (1) This section applies to a first class school  
 2 district only if the question under section 410 is not approved in  
 3 the first class school district.

4           (2) Four members of the board of a first class school district  
 5 shall be elected at large. The following provisions apply to the  
 6 terms, nomination, and election of the at large members of the  
 7 board of a school district organized as a first class school  
 8 district:

9           (a) ~~Four~~ **SUBJECT TO SUBSECTION (8)**, 4 members shall be elected

1 for a term of 4 years at the general election to be held in the  
2 next November after the question under section 410 is presented to  
3 the school electors of the first class school district and every 4  
4 years after that November.

5 (b) Each candidate shall be nominated at a primary held in  
6 conjunction with the preceding primary election conducted pursuant  
7 to section 534 of the Michigan election law, 1954 PA 116, MCL  
8 168.534. The nominating petitions shall contain not less than 500  
9 or more than 1,000 signatures of registered school electors of the  
10 city in which the first class school district is located; shall  
11 meet the requirements of section 544c of the Michigan election law,  
12 1954 PA 116, MCL 168.544c; and shall be filed with the clerk of the  
13 city in which the first class school district is located on or  
14 before 4 p.m. of the twelfth Tuesday before the primary election.  
15 The city clerk may compare the signatures on the petitions with the  
16 signatures appearing on the registration records, or in some other  
17 proper manner determine whether the signatures appearing on the  
18 petition are genuine and comply with the requirements of this  
19 section. With the petitions, a candidate shall file an affidavit as  
20 provided in section 558 of the Michigan election law, 1954 PA 116,  
21 MCL 168.558. The clerk of the city shall notify the county clerk of  
22 the name and address of each candidate not later than 3 days after  
23 the last day for candidate withdrawal. However, if the third day is  
24 a Saturday, Sunday, or legal holiday, the notice may be made on the  
25 next day that is not a Saturday, Sunday, or legal holiday.

26 (c) Each member shall commence his or her term of office on  
27 January 1 following his or her election.

1           (3) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN SECTION 416, THE** board  
2 of a first class school district shall elect its officers during  
3 the month of January of each odd numbered year. The president of  
4 the board shall be a member of the board, and the duties of the  
5 president shall be determined by the board.

6           (4) A board member of a first class school district who is  
7 recalled may be a candidate for the same office at the next  
8 election for an office at which the recalled member is otherwise  
9 eligible.

10          (5) The term of office of each board member serving in a  
11 school district that becomes a first class school district after  
12 April 15, 2004 expires on the next succeeding December 31 of an  
13 even numbered year, except that if the school district becomes a  
14 first class school district later than April 1 of an even numbered  
15 year, the term of office of each board member expires on December  
16 31 of the next succeeding even numbered year after the year in  
17 which the district became a first class school district. For a  
18 district becoming a first class school district after April 15,  
19 2004, 4 school board members shall be elected in the general  
20 election of the even numbered year in which the terms of office  
21 expire, and the 4 school board members elected shall commence 4-  
22 year terms on January 1 of the odd numbered year following the  
23 general election.

24          (6) If a vacancy occurs on the first class school district  
25 board from among the at large members, the vacancy shall be filled  
26 by majority vote of the remaining first class school district board  
27 members at a meeting called by the president of the board for that

1 purpose. If a person is appointed to fill a vacancy for which the  
2 unexpired term is more than 1 year and 8 months, that person shall  
3 serve until January 1 following the next general election. At that  
4 first general election the vacancy shall be filled for the  
5 unexpired term. A vacancy shall not be filled later than 60 days  
6 before a primary election at which at large board members are to be  
7 nominated.

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

17 (8) ALL OF THE FOLLOWING APPLY TO A BOARD MEMBER ELECTED UNDER  
18 THIS SECTION AT THE 2005 NOVEMBER GENERAL ELECTION:

19 (A) THE INITIAL TERM OF OFFICE FOR EACH OF THOSE BOARD MEMBERS  
20 IS CONTINUED UNTIL A SUCCESSOR IS ELECTED AND QUALIFIED AT THE 2010  
21 NOVEMBER GENERAL ELECTION.

22 (B) SUCCESSORS FOR EACH OF THOSE BOARD MEMBERS SHALL BE  
23 ELECTED FOR A TERM OF 4 YEARS AT THE 2010 NOVEMBER GENERAL ELECTION  
24 AND EVERY 4 YEARS THEREAFTER.

25 Sec. 412a. (1) This section applies to a first class school  
26 district only if the question under section 410 is not approved in  
27 the first class school district.

1           (2) ~~In~~**SUBJECT TO SUBSECTION (8), AT** the next November general  
2 election after the question under section 410 is presented to the  
3 school electors of the first class school district, 7 members of  
4 the board of a first class school district shall be elected by  
5 voting districts for an initial term of 2 years. ~~At~~**SUBJECT TO**  
6 **SUBSECTION (8), AT** the November general election held 2 years after  
7 that election and every 4 years thereafter, 7 members of the board  
8 shall be elected by voting districts for a term of 4 years. Each  
9 member shall represent a voting district described in section 404b.

10           (3) The members shall be nominated and elected by the  
11 registered school electors of each voting district in the manner  
12 provided by law for the nomination and election of the first class  
13 school board members elected at large, except that the number of  
14 signatures required on nominating petitions of a candidate for  
15 election as a representative of a voting district shall be not less  
16 than 250 or more than 500. A signature on a nominating petition is  
17 not valid unless the petitioner is a registered school elector of  
18 the voting district in which the candidate is running for election.  
19 Not more than 2 candidates shall be nominated at the primary  
20 election for each voting district.

21           (4) Candidates shall be nominated at a primary held in  
22 conjunction with the preceding primary election conducted pursuant  
23 to section 534 of the Michigan election law, 1954 PA 116, MCL  
24 168.534. Nominating petitions shall meet the requirements of  
25 section 544c of the Michigan election law, 1954 PA 116, MCL  
26 168.544c, and shall be filed with the clerk of the city in which  
27 the first class school district is located on or before 4 p.m. of

1 the twelfth Tuesday preceding the primary election. The city clerk  
2 may compare the signatures on the petitions with the signatures  
3 appearing on the registration records, or in some other proper  
4 manner determine whether the signatures appearing on the petitions  
5 are genuine and comply with the requirements of this section. With  
6 the petitions, a candidate shall file an affidavit as provided in  
7 section 558 of the Michigan election law, 1954 PA 116, MCL 168.558.

8 (5) The 7 board members elected to represent the voting  
9 districts shall commence their terms of office on January 1  
10 following the election.

11 (6) A candidate for the office of board member representing a  
12 voting district or a person appointed to fill a vacancy pursuant to  
13 subsection (7) shall be 18 years of age or older at the time of his  
14 or her election or appointment and shall be a registered school  
15 elector residing in the voting district in which the person becomes  
16 a candidate or which the person is appointed to represent. If a  
17 voting district member's residence is moved from the voting  
18 district during the voting district member's term of office, this  
19 constitutes a vacating of office.

20 (7) If a vacancy occurs on the first class school district  
21 board from among the voting district members, the vacancy shall be  
22 filled from among registered school electors of the voting district  
23 by majority vote of the remaining first class school district board  
24 members. If a person is appointed to fill a vacancy in a voting  
25 district for which the unexpired term is more than 1 year and 8  
26 months, that person shall serve until January 1 following the next  
27 general election. At that next general election the vacancy shall

1 be filled for the unexpired term. A vacancy shall not be filled  
2 later than 60 days before a primary election at which voting  
3 district board members are to be nominated.

4 (8) ALL OF THE FOLLOWING APPLY TO A BOARD MEMBER ELECTED UNDER  
5 THIS SECTION AT THE 2005 NOVEMBER GENERAL ELECTION:

6 (A) THE INITIAL TERM OF OFFICE FOR EACH OF THOSE BOARD MEMBERS  
7 IS CONTINUED UNTIL A SUCCESSOR IS ELECTED AND QUALIFIED AT THE 2008  
8 NOVEMBER GENERAL ELECTION.

9 (B) SUCCESSORS FOR EACH OF THOSE BOARD MEMBERS SHALL BE  
10 ELECTED FOR A TERM OF 4 YEARS AT THE 2008 NOVEMBER GENERAL ELECTION  
11 AND EVERY 4 YEARS THEREAFTER.

12 Sec. 416. (1) This section applies to a first class school  
13 district only if the question under section 410 is not approved in  
14 the first class school district.

15 (2) The officers of the first class school district board  
16 shall be a president, vice-president, secretary, and treasurer. ~~The~~  
17 **SUBJECT TO SUBSECTION (7), THE** board, a majority of which ~~shall~~  
18 ~~constitute~~ **CONSTITUTES** a quorum, shall elect its president and  
19 vice-president biennially from among the members of the board. In  
20 case of a vacancy in the office of president, the vice-president  
21 shall succeed to the office of president for the balance of the  
22 unexpired term. The secretary and treasurer shall be appointed by  
23 the board but shall not be members of the board and shall receive a  
24 salary fixed by the board.

25 (3) The president, vice-president, and secretary shall perform  
26 the duties prescribed by the bylaws and regulations of the board.  
27 The duties of the treasurer shall be determined by the school

1 district general superintendent, as approved by the board.

2 (4) The officers of the board who in the discharge of the  
3 duties of their respective positions handle funds belonging to the  
4 first class school district shall be required to give bonds for the  
5 faithful performance of their duties in accordance with the bylaws  
6 and regulations of the board. The premium of the bonds shall be  
7 paid from the funds of the board.

8 (5) The school district treasurer shall have the custody of  
9 all money belonging to the school district and shall pay out money  
10 pursuant to section 433. The funds shall be deposited with  
11 depositories selected by the board, and the interest derived shall  
12 be paid into the general fund of the board.

13 (6) The board shall require from the school district treasurer  
14 a separate bond of not less than \$200,000.00 to protect the funds  
15 of the board.

16 (7) ALL OF THE FOLLOWING APPLY TO THE BOARD MEMBERS ELECTED BY  
17 THE BOARD IN 2006 AS PRESIDENT AND VICE PRESIDENT OF THE BOARD:

18 (A) THE INITIAL TERM AS PRESIDENT AND VICE PRESIDENT FOR EACH  
19 OF THOSE BOARD MEMBERS IS CONTINUED UNTIL A SUCCESSOR IS ELECTED BY  
20 THE BOARD FOR EACH IN JANUARY OF 2009.

21 (B) SUCCESSORS FOR EACH OF THOSE OFFICERS AS DESCRIBED IN  
22 SUBDIVISION (A) SHALL BE ELECTED BIENNIALY BY THE BOARD AS  
23 PROVIDED UNDER SUBSECTION (2).