

HOUSE BILL No. 6479

September 18, 2008, Introduced by Reps. Hune and Ward and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending sections 411a and 412a (MCL 380.411a and 380.412a), section 411a as amended by 2007 PA 29 and section 412a 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

1 board of a school district organized as a first class school
2 district:

3 (a) Four members shall be elected for a term of 4 years at the
4 general election to be held in the next November after the question
5 under section 410 is presented to the school electors of the first
6 class school district and every 4 years after that November.

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

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

3 (3) The board of a first class school district shall elect its
4 officers during the month of January following the election of
5 board members. The president of the board shall be a member of the
6 board, and the duties of the president shall be determined by the
7 board.

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

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

26 (6) If a vacancy occurs on the first class school district
27 board from among the at large members, the vacancy shall be filled

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

10 (7) A candidate for the office of board member at large or a
11 person appointed to fill a vacancy on the board pursuant to
12 subsection (6) shall be 18 years of age or older at the time of his
13 or her election or appointment and shall be a registered school
14 elector residing in the first class school district in which the
15 person becomes a candidate or which the person is appointed to
16 represent. If an at large member's residence is moved from the
17 first class school district during the at large member's term of
18 office, it constitutes a vacating of office. **IF AN INDIVIDUAL'S**
19 **SPOUSE, CHILD, PARENT, OR SIBLING IS AN EMPLOYEE OF THE FIRST CLASS**
20 **SCHOOL DISTRICT, THE INDIVIDUAL IS NOT ELIGIBLE FOR ELECTION OR**
21 **APPOINTMENT AS A BOARD MEMBER. IF THE SPOUSE, CHILD, PARENT, OR**
22 **SIBLING OF AN AT-LARGE MEMBER BECOMES AN EMPLOYEE OF THE FIRST**
23 **CLASS SCHOOL DISTRICT, IT CONSTITUTES A VACATING OF OFFICE.**

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

27 (2) In the next November general election after the question

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

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

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

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

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

10 (6) A candidate for the office of board member representing a
11 voting district or a person appointed to fill a vacancy pursuant to
12 subsection (7) shall be 18 years of age or older at the time of his
13 or her election or appointment and shall be a registered school
14 elector residing in the voting district in which the person becomes
15 a candidate or which the person is appointed to represent. If a
16 voting district member's residence is moved from the voting
17 district during the voting district member's term of office, this
18 constitutes a vacating of office. **IF AN INDIVIDUAL'S SPOUSE, CHILD,**
19 **PARENT, OR SIBLING IS AN EMPLOYEE OF THE FIRST CLASS SCHOOL**
20 **DISTRICT, THE INDIVIDUAL IS NOT ELIGIBLE FOR ELECTION OR**
21 **APPOINTMENT AS A BOARD MEMBER. IF THE SPOUSE, CHILD, PARENT, OR**
22 **SIBLING OF A VOTING DISTRICT MEMBER BECOMES AN EMPLOYEE OF THE**
23 **FIRST CLASS SCHOOL DISTRICT, IT CONSTITUTES A VACATING OF OFFICE.**

24 (7) If a vacancy occurs on the first class school district
25 board from among the voting district members, the vacancy shall be
26 filled from among registered school electors of the voting district
27 by majority vote of the remaining first class school district board

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