

HOUSE BILL No. 6478

September 22, 2010, Introduced by Reps. Lemmons and Bettie Scott and referred to the Committee on Ethics and Elections.

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), sections 411a and 416 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
7 board of a school district organized as a first class school

1 district:

2 (a) ~~Four~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, 4**
3 members shall be elected for a term of 4 years at the general
4 election to be held in the next November after the question under
5 section 410 is presented to the school electors of the first class
6 school district and every 4 years after that November. **BEGINNING IN**
7 **2012, THE 4 AT-LARGE MEMBERS SHALL BE ELECTED FOR A TERM OF 4 YEARS**
8 **AT EACH NOVEMBER GENERAL ELECTION IN WHICH THERE IS AN ELECTION FOR**
9 **PRESIDENT OF THE UNITED STATES. THE TERM OF OFFICE OF AN AT-LARGE**
10 **MEMBER WHO IS SERVING AS OF THE EFFECTIVE DATE OF THE AMENDATORY**
11 **ACT THAT ADDED THIS SENTENCE ENDS ON JANUARY 1, 2013.**

12 (b) Each candidate shall be nominated at a primary held in
13 conjunction with the preceding primary election conducted pursuant
14 to section 534 of the Michigan election law, 1954 PA 116, MCL
15 168.534. The nominating petitions shall contain not less than 500
16 or more than 1,000 signatures of registered school electors of the
17 city in which the first class school district is located; shall
18 meet the requirements of section 544c of the Michigan election law,
19 1954 PA 116, MCL 168.544c; and shall be filed with the clerk of the
20 city in which the first class school district is located on or
21 before 4 p.m. of the twelfth Tuesday before the primary election.
22 The city clerk may compare the signatures on the petitions with the
23 signatures appearing on the registration records, or in some other
24 proper manner determine whether the signatures appearing on the
25 petition are genuine and comply with the requirements of this
26 section. With the petitions, a candidate shall file an affidavit as
27 provided in section 558 of the Michigan election law, 1954 PA 116,

1 MCL 168.558. The clerk of the city shall notify the county clerk of
2 the name and address of each candidate not later than 3 days after
3 the last day for candidate withdrawal. However, if the third day is
4 a Saturday, Sunday, or legal holiday, the notice may be made on the
5 next day that is not a Saturday, Sunday, or legal holiday.

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

8 (3) The board of a first class school district shall elect its
9 officers during the month of January following the election of
10 board members. The president of the board shall be a member of the
11 board, and the duties of the president shall be determined by the
12 board.

13 (4) A board member of a first class school district who is
14 recalled may be a candidate for the same office at the next
15 election for an office at which the recalled member is otherwise
16 eligible.

17 (5) The term of office of each board member serving in a
18 school district that becomes a first class school district after
19 April 15, 2004 expires on the next succeeding December 31 of an
20 even numbered year, except that if the school district becomes a
21 first class school district later than April 1 of an even numbered
22 year, the term of office of each board member expires on December
23 31 of the next succeeding even numbered year after the year in
24 which the district became a first class school district. For a
25 district becoming a first class school district after April 15,
26 2004, 4 school board members shall be elected in the general
27 election of the even numbered year in which the terms of office

1 expire, and the 4 school board members elected shall commence 4-
2 year terms on January 1 of the odd numbered year following the
3 general election.

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

15 (7) A candidate for the office of board member at large or a
16 person appointed to fill a vacancy on the board pursuant to
17 subsection (6) shall be 18 years of age or older at the time of his
18 or her election or appointment and shall be a registered school
19 elector residing in the first class school district in which the
20 person becomes a candidate or which the person is appointed to
21 represent. If an at large member's residence is moved from the
22 first class school district during the at large member's term of
23 office, 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~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS**
5 **SUBDIVISION, AT** the November general election held 2 years after
6 that election and every 4 years thereafter, 7 members of the board
7 shall be elected by voting districts for a term of 4 years. Each
8 member shall represent a voting district described in section 404b.
9 **BEGINNING IN 2012, THE 7 MEMBERS ELECTED BY VOTING DISTRICTS SHALL**
10 **BE ELECTED FOR A TERM OF 4 YEARS AT EACH NOVEMBER GENERAL ELECTION**
11 **IN WHICH THERE IS AN ELECTION FOR PRESIDENT OF THE UNITED STATES.**
12 **THE TERM OF OFFICE OF A MEMBER ELECTED BY VOTING DISTRICT WHO IS**
13 **SERVING AS OF THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED**
14 **THIS SENTENCE ENDS ON JANUARY 1, 2013.**

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

26 (4) Candidates shall be nominated at a primary held in
27 conjunction with the preceding primary election conducted pursuant

1 to section 534 of the Michigan election law, 1954 PA 116, MCL
2 168.534. Nominating petitions shall meet the requirements of
3 section 544c of the Michigan election law, 1954 PA 116, MCL
4 168.544c, and shall be filed with the clerk of the city in which
5 the first class school district is located on or before 4 p.m. of
6 the twelfth Tuesday preceding the primary election. The city clerk
7 may compare the signatures on the petitions with the signatures
8 appearing on the registration records, or in some other proper
9 manner determine whether the signatures appearing on the petitions
10 are genuine and comply with the requirements of this section. With
11 the petitions, a candidate shall file an affidavit as provided in
12 section 558 of the Michigan election law, 1954 PA 116, MCL 168.558.

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

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

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

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

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

12 (2) The officers of the first class school district board
13 shall be a president, ~~vice-president~~ **VICE PRESIDENT**, secretary, and
14 treasurer. Subject to ~~subsection (7)~~ **SUBSECTIONS (7) AND (8)**, the
15 board, a majority of which constitutes a quorum, shall elect its
16 president and ~~vice-president~~ **VICE PRESIDENT** biennially from among
17 the members of the board. In case of a vacancy in the office of
18 president, the ~~vice-president~~ **VICE PRESIDENT** shall succeed to the
19 office of president for the balance of the unexpired term. The
20 secretary and treasurer shall be appointed by the board but shall
21 not be members of the board and shall receive a salary fixed by the
22 board.

23 (3) The president, ~~vice-president~~ **VICE PRESIDENT**, and
24 secretary shall perform the duties prescribed by the bylaws and
25 regulations of the board. The duties of the treasurer shall be
26 determined by the school district general superintendent, as
27 approved by the board.

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

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

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

15 (7) All of the following apply to the board members elected by
16 the board in 2006 as president and vice president of the board:

17 (a) The initial term as president and vice president for each
18 of those board members is continued until a successor is elected by
19 the board for each in January of 2008.

20 (b) ~~Successors~~**SUBJECT TO SUBSECTION (8), SUCCESSORS** for each
21 of those officers as described in subdivision (a) shall be elected
22 biennially by the board as provided under subsection (2).

23 **(8) ALL OF THE FOLLOWING APPLY TO THE BOARD MEMBERS ELECTED BY**
24 **THE BOARD IN 2012 AS PRESIDENT AND VICE PRESIDENT OF THE BOARD:**

25 **(A) THE TERM AS PRESIDENT AND VICE PRESIDENT FOR EACH OF THOSE**
26 **BOARD MEMBERS ENDS WHEN A SUCCESSOR IS ELECTED BY THE BOARD FOR**
27 **EACH IN JANUARY OF 2013.**

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