

Act No. 263
Public Acts of 1992
Approved by the Governor
December 12, 1992
Filed with the Secretary of State
December 14 1992

**STATE OF MICHIGAN
86TH LEGISLATURE
REGULAR SESSION OF 1992**

Introduced by Reps. Middaugh, Keith, Trim, Sikkema, O'Neill and Gilmer

ENROLLED HOUSE BILL No. 5379

AN ACT to amend sections 5, 113, 152, 614, 853, 854, 857, 858, 1006, 1052, 1053, 1057, and 1059 of Act No. 451 of the Public Acts of 1976, entitled as amended "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and classify the laws relating to elementary and secondary education; to provide for the classification, organization, regulation, and maintenance of schools, school districts, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, and intermediate school districts; to provide for the regulation of school teachers and school administrators; 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 certain acts and parts of acts," section 5 as amended by Act No. 215 of the Public Acts of 1982 and sections 113 and 614 as amended by Act No. 322 of the Public Acts of 1984, being sections 380.5, 380.113, 380.152, 380.614, 380.853, 380.854, 380.857, 380.858, 380.1006, 380.1052, 380.1053, 380.1057, and 380.1059 of the Michigan Compiled Laws; to add section 1002a; and to repeal certain parts of the act.

The People of the State of Michigan enact:

Section 1. Sections 5, 113, 152, 614, 853, 854, 857, 858, 1006, 1052, 1053, 1057, and 1059 of Act No. 451 of the Public Acts of 1976, section 5 as amended by Act No. 215 of the Public Acts of 1982 and sections 113 and 614 as amended by Act No. 322 of the Public Acts of 1984, being sections 380.5, 380.113, 380.152, 380.614, 380.853, 380.854, 380.857, 380.858, 380.1006, 380.1052, 380.1053, 380.1057, and 380.1059 of the Michigan Compiled Laws, are amended and section 1002a is added to read as follows:

Sec. 5. (1) "Local act school district" or "special act school district" means a district governed by a special or local act or chapter of a local act. "Local school district" and "local school district board" as used in article 3 includes a local act school district and a local act school district board.

(2) "Membership" means the number of full-time equivalent pupils in a public school as determined by the number of pupils registered for attendance plus pupils received by transfer and minus pupils lost as defined by rules promulgated by the state board.

(3) "Modified school bus" means a school bus of any age with a factory installed fuel system that has been modified to operate on a fuel source other than gasoline or diesel fuel.

(4) "Nonpublic school" means a private, denominational, or parochial school.

(5) "Pupil membership count day" of a school district means the fourth Friday following Labor day each school year, except that the membership count day of a school district maintaining school during the entire school year means the following days:

- (a) Fourth Friday in July.
- (b) Fourth Friday in October.
- (c) Fourth Friday in January.
- (d) Fourth Friday in April.

(6) "Pupil transportation vehicle" means any vehicle other than a school bus used by a school district to transport pupils to or from school or school-related events.

(7) "Rehabilitated school bus" means a bus that is at least 4 years old and has accumulated at least 100,000 miles, or is at least 7 years old; and that has been thoroughly inspected and had all systems repaired, replaced, or adjusted to meet the department of state police inspection requirements including but not limited to any of the following:

- (a) Engine overhaul of short block.
- (b) New tires on the front axle.
- (c) New recap tires on the rear axle.
- (d) New brake linings and drums.
- (e) New hydraulic brake lines.
- (f) Front and rear springs.
- (g) New paint in the interior.
- (h) New exhaust system.

(8) "Reorganized intermediate school district" means an intermediate school district formed by consolidation or annexation of 2 or more intermediate school districts under sections 701 and 702.

(9) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

Sec. 113. (1) A candidate for member of the board shall be nominated by petition. To obtain printing of the name of a candidate for a member of the board on the ballot, the candidate shall file nomination petitions and an affidavit as provided in section 558 of the Michigan election law, Act No. 116 of the Public Acts of 1954, being section 168.558 of the Michigan Compiled Laws, with the secretary of the board not later than 4 p.m. on the thirtieth day before the date of the election. However, if the thirtieth day is a Saturday, Sunday, or legal holiday, nomination petitions may be filed with the secretary up to 4 p.m. on the next secular day. Each petition shall be signed by a number of school electors of the district equal to not less than 1% of the total number of votes received by the candidate for member of the board of education who received the greatest number of votes at the preceding annual election. The number of signatures shall not be less than 20. A school elector shall not sign petitions for more candidates than are to be elected. The petition shall be in the form prescribed in section 1066.

(2) The secretary of the board shall canvass the petitions to determine if they are signed by the requisite number of registered school electors. To determine the validity of the signatures, the secretary may cause doubtful signatures to be checked against the registration records of the clerk of the political subdivision in which the petitions were circulated. The secretary may use other methods for determining the validity of doubtful signatures. If the secretary determines that the nomination petitions of a candidate do not comply with legal requirements, or if the candidate does not possess qualifications for membership on the board, the secretary immediately shall notify the candidate of that fact. If the nomination petitions are filed on behalf of the secretary of the board, the treasurer of the board shall perform the duties of the secretary in connection with those petitions.

(3) A candidate may not withdraw unless a written notice of withdrawal, signed by the candidate, is served on the secretary of the board not later than 4 p.m. of the third day after the last day for filing the petition. However, if the third day is a Saturday, Sunday, or legal holiday, the notice of withdrawal may be served on the secretary up to 4 p.m. on the next secular day. The secretary of the 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 made on the next secular day.

(4) The secretary of the board shall have an official ballot printed that contains a separate area for each term of office. The ballot shall be substantially in the form provided in the Michigan election law, Act No. 116 of the Public Acts of 1954, as amended, being sections 168.1 to 168.992 of the Michigan Compiled Laws, and the names

of the candidates who have been nominated for each term of office shall be printed in the proper place on the ballot. Ballots shall be printed in the manner prescribed in section 1008.

Sec. 152. A special election may be called by the board. The board shall call a special election on petition of 5% or more of the registered school electors of the district but not less than 25 registered school electors. The petition, except as to the proposition, shall be substantially in the form prescribed in section 1066. The election shall be called by giving the required legal notice, and shall be held on a date approved by the county election scheduling committee under section 639 of the Michigan election law, Act No. 116 of the Public Acts of 1954, as amended, being section 168.639 of the Michigan Compiled Laws. A special election shall not be called unless the questions to be voted upon are within the lawful authority of the school electors to decide. A question shall not be decided at a special election unless the question is stated in the notice of the election. The election shall be held not more than 60 days after the date the petition is received.

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 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) A candidate for election to the intermediate school board shall be nominated by petitions that are signed by not less than 50 registered school electors of the combined constituent districts of the intermediate school district. A registered 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, Act No. 116 of the Public Acts of 1954, being section 168.558 of the Michigan Compiled Laws, shall be filed with the secretary of the intermediate school board not later than 30 days before the date of the biennial election. 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.

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

Sec. 853. (1) Within 30 days after the receipt of the approval of the state board to the consolidation, the intermediate superintendent shall have petitions prepared for circulation within the designated school districts. The petitions shall be printed or duplicated.

(2) The first page of a petition shall be in the following form:
Official Petition No. consisting of pages.
Expiration date
(Signed)
Intermediate Superintendent of Intermediate School District
..... Michigan.
To the Intermediate Superintendent of Intermediate School District
..... Michigan.
We, the undersigned, registered electors of _____ residing in _____
(name of school district) (township or city)

hereby petition that you cause the question of consolidating the following school districts to be submitted to the school electors of these districts:

Names of school districts to be consolidated to be listed here
Signatures of Petitioners
Name Address Date of Signing

(3) Each additional page of the petition shall have the following at or near the top of the page:

Official Petition

No. Page No.

Expiration date of Petition.....

Signature of Intermediate Superintendent.....

(4) Each page shall have printed or duplicated the following statement below the space for signature for petitioners:

The undersigned hereby certifies that he or she is a registered elector of.....

(name of school district)

and that each signature appearing on this page is the genuine signature of the person signing the same and that to the undersigned's best knowledge and belief each person was at the time of signing a registered elector of the school district.

(name of school district)

Dated this day of 19.....

(5) Each petition shall be signed by the intermediate superintendent as indicated in the foregoing form before being issued to a person for circulation.

(6) Official petitions shall be given by the intermediate superintendent to a school elector of the district proposed to be consolidated. A petition shall be circulated only by a school elector of the district. The statement appearing below the signatures of petitioners shall be dated and signed on each page before filing the petition with the intermediate superintendent.

(7) Official petitions shall be returned to the intermediate superintendent before the expiration date stated on the petition that is the sixtieth day after the receipt by the intermediate superintendent of the last certification by a city or township clerk as to the number of registered general electors residing in each of the affected school districts. The expiration date shall be not later than 180 days after the date of approval by the state board.

Sec. 854. (1) Immediately upon receipt of the approval of the state board to the consolidation, the intermediate superintendent shall request each appropriate city or township clerk to certify the number of registered general electors residing in each of the affected school districts. Each city or township clerk shall make the certification without delay. The number of registered general electors certified shall be the basis for determining the required number of signatures for calling an election on the question of consolidation.

(2) The signature of a person registering after the date of certification by the appropriate city or township clerk is a valid signature if the person is registered at the time of signing the petition. Additional registrations shall not affect the number of registered general electors originally certified to by the respective city or township clerks. Only a registered school elector shall be eligible to sign a petition and to vote on the question of consolidation.

Sec. 857. (1) The question of establishing a consolidated school district shall be submitted to the school electors at a special election held for that purpose. In voting to form the consolidated school district, a school district operating 12 grades shall vote separately as a unit. The remaining school districts to be included in the consolidation shall vote together as a unit.

(2) The local board shall conduct the election in each school district operating 12 grades. The intermediate school board, the intermediate superintendent of which called the election, shall conduct the election for the other school districts voting together as a unit.

(3) The elections shall be held on the same day and during the same hours. Each school district shall vote as provided in part 12.

Sec. 858. (1) The intermediate superintendent shall give notice of the last day of registration and notice of the date, place, the propositions to be submitted, and the hours the polls will be open for the special election to the school electors of the districts operating less than 12 grades in the manner and at the times prescribed by sections 1002 and 1058.

(2) The intermediate superintendent shall give written notice to the secretary of the board of each affected school district operating 12 grades of the day and hours for holding the special election. Each secretary shall give the statutory notice of the day, place or places, and the hours for holding the election and of the last day of registration. The intermediate superintendent shall notify the secretary of the board of each school district of the date of the consolidation election at least 60 days before the election.

PART 12
SCHOOL ELECTIONS

Sec. 1002a. The secretary of the board of a school district that was a nonregistration school district before the effective date of the amendatory act that added this section shall give notice of the change of the district from a nonregistration district to a district in which all voters must be registered in order to vote in school elections. The notice required by this section is in addition to other notices required by law including, but not limited to, last day of registration and time and place of election notices. The secretary of the board shall publish the notice at least twice in a newspaper or newspapers published or of general circulation in the district and, if considered necessary by the secretary of the board, by posting the notice in 3 public places in each voting precinct in the district. The secretary of the board shall publish or post the notice required by this section before the expiration of 60 days after the effective date of this section.

Sec. 1006. In a school election a person may vote by absentee ballot. The grounds for and method of absentee voting shall be, as nearly as possible, pursuant to the provisions of the Michigan election law, Act No. 116 of the Public Acts of 1954, as amended, being sections 168.1 to 168.992 of the Michigan Compiled Laws. The secretary of state shall issue guidelines to implement this section.

Sec. 1052. The inspectors of election at an annual or special election shall not receive the vote of a person whose name is not registered as an elector in the city or township in which the person resides, or whose name is not in the registration file in the precinct in which the person offers to vote when city or township registration records are used in school elections as provided in section 1053.

Sec. 1053. (1) The board of a registration school district situated wholly or partly in a city or township, by agreement with the governing body of the city or township, may use the registration records of the city or township at an election held by the school district on terms and conditions, including the payment of the necessary expenses of an election, agreed upon by the school board and the governing body of the city or township. If a school district situated wholly or partly in a city or township holds an election at the same time that the city or township holds an election, the election commissioners, inspectors, and other election officials conducting the city or township election may act in their respective capacities for the school election when agreed upon by the board of the school district and the governing body of the city or township for that portion of the school district situated in the city or township. The expense of the election shall be paid proportionately by the school district and the city or township.

(2) The board of a school district situated wholly or partly in a city or township, upon agreement with the governing body of the city or township, may determine that the city or township by its proper officials shall conduct annual and special elections on behalf of the school district in that portion of the school district lying within the boundaries of the city or township on terms and conditions, including the payment of the necessary expenses, agreed upon by the school district and the city or township.

(3) The agreement to use the registration records of the city or township for school elections and for conducting the school elections by the city or township officials shall be continuing and shall be terminated only on 12 months' notice by either party.

(4) The board of a school district shall form the district into 1 or more voting precincts. If the city or township officials conduct an election for a school district under this section, the voting precincts of the school district shall be the same as those of the city or township for that portion of the school district lying within the boundaries of the city or township.

(5) A person registering after 5 p.m. on the thirtieth day next preceding an annual or special school election or after 5 p.m. of the next succeeding day that is not a Saturday, Sunday, or legal holiday in case the thirtieth day is a Saturday, Sunday, or legal holiday is not eligible to vote in the annual or special school election.

Sec. 1057. In a school district or portion of a school district in which the registration records of a city or township are not used at school elections, all of the following procedures apply:

(a) The secretary of the board shall cause to be prepared and filed with the clerk of each city or township, to keep with the registration books, a map showing the boundary by roads or streets and the name of each school district or part of a school district lying within the boundaries of the city or township.

(b) Before February 1, 1993, if not previously done by the school district, the secretary of the board shall submit a written request to the clerk of each city or township into which the school district extends to furnish the secretary a certified list of the names and residential addresses of the existing registered electors of the city or township who reside within the school district. Upon receiving the request, the city or township clerk shall make, certify, and deliver to the school district secretary a list of the names and addresses of the registered electors of the city or township residing within the school district as shown by the clerk's registration books. The initial list of registered voters may consist of duplicated registration cards containing the same information

contained on the face of the original cards, a list contained upon 1 or more sheets, or reproductions of the face of the original cards made pursuant to the records media act, Act No. 116 of the Public Acts of 1992, being sections 24.401 to 24.403 of the Michigan Compiled Laws. Each sheet, card, or reproduction shall bear the official seal or stamp of the certifying clerk. The school district shall pay the cost of preparing lists, unless the clerk furnishes the list without assessing costs. The secretary may convert the original registration list to separate district precinct lists or cards. Each precinct list or card copied from the original shall bear the certification of the secretary or the official clerk of the board that it is a true copy. If the original list is converted to separate registration cards, each person whose name appears on a card shall be requested to sign the card at the next election at which the person offers to vote. A ballot shall not be issued to a person who refuses to sign the card.

(c) The clerk of each city or township, at the time of taking the city or township registration of a person, shall determine in what school district the person resides. The clerk shall prepare an additional registration card for the person and immediately deliver it to the secretary of the board of the school district. The additional card may be sworn to and signed by the person registering, or it may be a carbon copy of the original city or township registration card certified to by the city or township clerk or the clerk's authorized representative. A person registering after 5 p.m. of the thirtieth day next preceding an annual or special school election or after 5 p.m. of the next succeeding day that is not a Saturday, Sunday, or legal holiday in case the thirtieth day is a Saturday, Sunday, or legal holiday is not eligible to vote in the annual or special school election. That person's registration shall not be delivered to the secretary of the school district until after the annual or special school election is held.

(d) Each city or township clerk shall prepare an additional copy of each cancellation of registration and of each transfer of registration and deliver the copy to the secretary of the applicable board, who shall apply the corrections to the registration records of the school district.

Sec. 1059. (1) Except when the school election is conducted by city or township officials under section 1053, the board shall appoint 3 or more school electors for each voting precinct to serve as the board of election inspectors in that precinct. Appointments shall be made at least 10 days before the date of an election. Each member shall take the constitutional oath of office and is entitled to administer oaths to persons in connection with the election. In case of inability or refusal of an election inspector to act, the board of education may fill the vacancy. If all members are not present at the time of opening the polls, the members of the board of election inspectors present may fill vacancies. The inspectors of election, including the inspectors of an election conducted by city or township officials, immediately after canvassing the votes shall make their return of the canvas and deliver the same to the secretary of the board of education.

(2) School district elections shall be canvassed in the manner prescribed in sections 1009 and 1010.

Section 2. Sections 1005, 1027, and 1051 of Act No. 451 of the Public Acts of 1976, being sections 380.1005, 380.1027, and 380.1051 of the Michigan Compiled Laws, are repealed.

Section 3. This amendatory act shall take effect January 1, 1993.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved.....

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Governor.