

HOUSE BILL No. 5379

December 9, 1991, Introduced by Reps. Middaugh, Keith, Trim, Sikkema, O'Neill and Gilmer and referred to the Committee on Education.

A bill 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

"The school code 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; and to repeal certain parts of the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 5, 113, 152, 614, 853, 854, 857, 858,
2 1006, 1052, 1053, 1057, and 1059 of Act No. 451 of the Public
3 Acts of 1976, section 5 as amended by Act No. 215 of the Public
4 Acts of 1982 and sections 113 and 614 as amended by Act No. 322

1 of the Public Acts of 1984, being sections 380.5, 380.113,
 2 380.152, 380.614, 380.853, 380.854, 380.857, 380.858, 380.1006,
 3 380.1052, 380.1053, 380.1057, and 380.1059 of the Michigan
 4 Compiled Laws, are amended to read as follows:

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

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

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

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

20 ~~(5) "Nonregistration school district" means a school dis-~~
 21 ~~trict in which registration as a general elector with the city or~~
 22 ~~township clerk of the city or township in which the person~~
 23 ~~resides is not required of school electors.~~

24 (5) ~~-(6)-~~ "Pupil membership count day" of a school district
 25 means the fourth Friday following Labor day each school year,
 26 except that the membership count day of a school district

1 maintaining school during the entire school year means the
2 following days:

3 (a) Fourth Friday in July.

4 (b) Fourth Friday in October.

5 (c) Fourth Friday in January.

6 (d) Fourth Friday in April.

7 (6) ~~(7)~~ "Pupil transportation vehicle" means any vehicle
8 other than a school bus used by a school district to transport
9 pupils to or from school or school-related events.

10 (7) ~~(8)~~ "Rehabilitated school bus" means a bus ~~which~~
11 THAT is at least 4 years old and has accumulated at least 100,000
12 miles, or is 7 years old; and ~~which~~ THAT has been thoroughly
13 inspected and had all systems repaired, replaced, or adjusted to
14 meet the department of state police inspection requirements
15 including but not limited to ANY OF THE FOLLOWING:

16 (a) Engine overhaul of short block.

17 (b) New tires on the front axle.

18 (c) New recap tires on the rear axle.

19 (d) New brake linings and drums.

20 (e) New hydraulic brake lines.

21 (f) Front and rear springs.

22 (g) New paint in the interior.

23 (h) New exhaust system.

24 ~~(9) "Registration school district" means a school district~~
25 ~~which conducts its elections under part 13.~~

26 (8) ~~(10)~~ "Reorganized intermediate school district" means
27 an intermediate school district formed by consolidation or

1 annexation of 2 or more intermediate school districts under
2 sections 701 and 702.

3 (9) ~~(+++)~~ "Rule" means a rule promulgated pursuant to THE
4 ADMINISTRATIVE PROCEDURES ACT OF 1969, Act No. 306 of the Public
5 Acts of 1969, as amended, being sections 24.201 to ~~24.315~~
6 24.328 of the Michigan Compiled Laws.

7 Sec. 113. (1) A candidate for member of the board shall be
8 nominated by petition. To obtain printing of the name of a can-
9 didate for a member of the board on the ballot, the candidate
10 shall file nomination petitions and an affidavit as provided in
11 section 558 of the Michigan election law, Act No. 116 of the
12 Public Acts of 1954, being section 168.558 of the Michigan
13 Compiled Laws, with the secretary of the board not later than 4
14 p.m. on the thirtieth day before the date of the election.
15 However, if the thirtieth day is a Saturday, Sunday, or legal
16 holiday, nomination petitions may be filed with the secretary up
17 to 4 p.m. on the next secular day. Each petition shall be
18 signed by a number of school electors of the district equal to
19 not less than 1% of the total number of votes received by the
20 candidate for member of the board of education who received the
21 greatest number of votes at the preceding annual election. The
22 number OF SIGNATURES shall not be less than 20. A school elector
23 shall not sign petitions for more candidates than are to be
24 elected. The petition shall be in the form prescribed in section
25 1066. ~~, except that the petition shall refer to school electors~~
26 ~~rather than to registered school electors if the district is a~~
27 ~~nonregistration district.~~

1 (2) The secretary of the board shall canvass the petitions
2 to determine if they are signed by the requisite number of
3 REGISTERED school electors. To determine the validity of the
4 signatures, the secretary may cause doubtful signatures to be
5 checked against the registration records of the clerk of the
6 political subdivision in which the petitions were circulated.
7 The secretary may use other methods for determining the validity
8 of doubtful signatures. If the secretary determines that the
9 nomination petitions of a candidate do not comply with legal
10 requirements, or if the candidate does not possess qualifications
11 for membership on the board, the secretary immediately shall
12 notify the candidate of that fact. If the nomination petitions
13 are filed on behalf of the secretary of the board, the treasurer
14 of the board shall perform the duties of the secretary in connec-
15 tion with those petitions.

16 (3) A candidate may not withdraw unless a written notice of
17 withdrawal, signed by the candidate, is served on the secretary
18 of the board not later than 4 p.m. of the third day after the
19 last day for filing the petition. However, if the third day is a
20 Saturday, Sunday, or legal holiday, the notice of withdrawal may
21 be served on the secretary up to 4 p.m. on the next secular
22 day. The secretary of the board shall notify the county clerk of
23 the names and addresses of the candidates not later than 3 days
24 after the last day for candidate withdrawal. However, if the
25 third day is a Saturday, Sunday, or legal holiday, the notice may
26 be made on the next secular day.

1 (4) The secretary of the board shall have an official ballot
2 printed ~~which shall contain~~ THAT CONTAINS a separate area for
3 each term of office. The ballot shall be substantially in the
4 form provided in the Michigan election law, Act No. 116 of the
5 Public Acts of 1954, as amended, being sections 168.1 to 168.992
6 of the Michigan Compiled Laws, and the names of the candidates
7 who have been nominated for each term of office shall be printed
8 in the proper place on the ballot. Ballots shall be printed in
9 the manner prescribed in section 1008.

10 Sec. 152. A special election may be called by the board.
11 The board shall call a special election on petition of 5% or more
12 of the REGISTERED school electors of the district but not less
13 than 25 REGISTERED SCHOOL electors. The petition, except as to
14 the proposition, shall be substantially in the form prescribed in
15 section 1066. The election shall be called by giving the
16 required legal notice, and shall be held on a date approved by
17 the county election scheduling committee under section 639 of THE
18 MICHIGAN ELECTION LAW, Act No. 116 of the Public Acts of 1954,
19 as amended, BEING SECTION 168.639 OF THE MICHIGAN COMPILED LAWS.
20 A special election shall not be called unless the questions to be
21 voted upon are within the lawful authority of the school electors
22 to decide. A question shall not be decided at a special election
23 unless the question is stated in the notice of the election. ~~In~~
24 ~~a registration school district, the~~ THE election shall be held
25 not more than 60 days after the date the petition is received.

26 Sec. 614. (1) Except as provided in section 615, the
27 members of the intermediate school board shall be elected

1 biennially on the first Monday in June by a body composed of 1
2 member of the board of each constituent district, who shall be
3 designated by the board of which that person is a member. The
4 secretary shall send a notice by certified mail of the hour and
5 place of meeting to the secretary of the board of each constitu-
6 ent district at least 10 days before the meeting. The president
7 and secretary of the intermediate school board shall act as
8 chairperson and secretary.

9 (2) Except as provided in section 703, the term of office of
10 each member elected to the intermediate school board shall be for
11 6 years and shall begin on July 1 following election. Not more
12 than 2 members of the intermediate school board shall be from the
13 same school district unless there are fewer districts than there
14 are positions to be filled.

15 (3) A vacancy shall be filled by the remaining members of
16 the intermediate school board until the next biennial election at
17 which time the vacancy shall be filled for the balance of the
18 unexpired term. Notice of the vacancy shall be filed with the
19 state board within 5 days after ~~it~~ THE VACANCY occurs. If the
20 vacancy is not filled within 30 days after it occurs, ~~it~~ THE
21 VACANCY shall be filled by the state board.

22 (4) A candidate for election to the intermediate school
23 board shall be nominated by petitions ~~which shall be~~ THAT ARE
24 signed by not less than 50 registered school electors of the com-
25 bined constituent districts of the intermediate school district.
26 ~~or in nonregistration constituent districts by not less than 50~~
27 ~~school electors who are registered to vote in the city or~~

1 ~~township in which they reside.~~ A REGISTERED school elector
2 ~~qualified to sign a petition~~ may sign as many petitions as
3 there are vacancies to fill. Nominating petitions and an affida-
4 vit as provided in section 558 of the Michigan election law, Act
5 No. 116 of the Public Acts of 1954, being section 168.558 of the
6 Michigan Compiled Laws, shall be filed with the secretary of the
7 intermediate school board not later than 30 days before the date
8 of the biennial election. The secretary shall determine the suf-
9 ficiency of the petitions and the eligibility of the candidates
10 nominated. The secretary shall provide ballots for the biennial
11 election, listing on the ballots the names of all candidates
12 properly nominated. The chairperson of the biennial election may
13 accept nominations for a vacancy from the floor only if no nomi-
14 nating petitions have been filed for the vacancy. Section 1066
15 shall apply to the form and manner of circulation of nominating
16 petitions for a candidate for membership on the intermediate
17 school board.

18 (5) The president shall appoint 2 persons not members of the
19 intermediate board or candidates for election as a board of can-
20 vassers and they shall canvass the vote following balloting.
21 This becomes the official canvass.

22 Sec. 853. (1) Within 30 days after the receipt of the
23 approval of the state board to the consolidation, the intermedi-
24 ate superintendent shall have petitions prepared for circulation
25 within the designated school districts. The petitions shall be
26 printed or duplicated.

1 (2) The first page of a petition shall be in the following
2 form:

3 Official Petition No. consisting of pages.

4 Expiration date

5 (Signed)

6 Intermediate Superintendent of Intermediate School District

7 Michigan.

8 To the Intermediate Superintendent of Intermediate School

9 District Michigan.

10 We, the undersigned, ~~(here insert "registered" in a registration~~
11 ~~school district, or "qualified" in a nonregistration school~~
12 ~~district)~~ REGISTERED electors of

13 _____ residing in _____

14 (name of school district) (township or city)

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

18 Names of school districts to be consolidated to be listed here

19 Signatures of Petitioners

20 Name Address Date of Signing

21 (3) Each additional page of the petition shall have the follow-
22 ing at or near the top of the page:

23 Official Petition

24 No. Page No.

1 Expiration date of Petition

2 Signature of Intermediate Superintendent

3
.....

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

6 The undersigned hereby certifies that he or she is

~~7 qualified (here insert "registered" in the case of a registra~~

8 ~~tion district)~~ A REGISTERED elector of

9

10 (name of school district)

11 and that each signature appearing on this page is the genuine signa-

12 ture of the person signing the same and that to the undersigned's

13 best knowledge and belief each person was at the time of signing a

~~14 (here insert "registered" in a registration school district or~~

15 ~~"qualified" in a nonregistration school district)~~ REGISTERED elector

16 of the school district.

17

18 (name of school district)

19 Dated this day of 19...

20

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

24 (6) Official petitions shall be given by the intermediate
25 superintendent to a school elector of the district proposed to be
26 consolidated. A petition shall be circulated only by a school
27 elector of the district. The statement appearing below the

1 signatures of petitioners shall be dated and signed on each page
2 before filing the petition with the intermediate superintendent.

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

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

20 (2) ~~In registration districts,~~ THE signature of a person
21 registering after the date of certification by the appropriate
22 city or township clerk ~~shall be~~ IS a valid signature if the
23 person is registered at the time of signing the petition.
24 Additional registrations shall not affect the number of regis-
25 tered general electors originally certified to by the respective
26 city or township clerks. ~~In registration districts only~~ ONLY a

1 registered school elector shall be eligible to sign a petition
2 and to vote on the question of consolidation.

3 ~~(3) Registration shall not be a requirement for a school~~
4 ~~elector in a nonregistration district to sign a petition.~~

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

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

17 (3) The elections shall be held on the same day and during
18 the same hours. Each school district shall vote ~~in the manner~~
19 ~~of a registration school district under part 13~~ AS PROVIDED IN
20 PART 12.

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

1 (2) The intermediate superintendent shall give written
 2 notice to the secretary of the board of each affected school
 3 district operating 12 grades of the day and hours for holding the
 4 special election. Each secretary shall give the statutory notice
 5 of the day, place or places, and the hours for holding the elec-
 6 tion and of the last day of registration. The intermediate
 7 superintendent shall notify the secretary of the board of each
 8 ~~registration~~ school district of the date of the consolidation
 9 election at least 60 days before the election.

10 PART 12

11 SCHOOL ELECTIONS ~~—, NONREGISTRATION SCHOOL DISTRICTS—~~

12 Sec. 1006. In a ~~nonregistration~~ school ~~district~~ elec-
 13 tion a person may vote by absentee ballot. The grounds for and
 14 method of absentee voting shall be, as nearly as possible, ~~in~~
 15 ~~accordance with~~ PURSUANT TO the provisions of THE MICHIGAN ELEC-
 16 TION LAW, Act No. 116 of the Public Acts of 1954, as amended
 17 BEING SECTIONS 168.1 TO 168.992 OF THE MICHIGAN COMPILED LAWS.
 18 The secretary of state shall issue guidelines to implement this
 19 section.

20 ~~PART 13~~

21 ~~SCHOOL ELECTIONS, REGISTRATION SCHOOL DISTRICTS—~~

22 Sec. 1052. The inspectors of election at an annual or spe-
 23 cial election shall not receive the vote of a person ~~residing in~~
 24 ~~a registration school district~~ whose name is not registered as
 25 an elector in the city or township in which the person resides,
 26 or whose name is not in the registration file in the precinct in
 27 which the person offers to vote when city or township

1 registration records are used in school elections as provided in
2 section 1053.

3 Sec. 1053. (1) The board of a registration school district
4 situated wholly or partly in a city or township, by agreement
5 with the governing body of the city or township, may use the reg-
6 istration records of the city or township at an election held by
7 the school district on terms and conditions, including the pay-
8 ment of the necessary expenses of an election, agreed upon by the
9 school board and the governing body of the city or township. If
10 a school district situated wholly or partly in a city or township
11 holds an election at the same time that the city or township
12 holds an election, the election commissioners, inspectors, and
13 other election officials conducting the city or township election
14 may act in their respective capacities for the school election
15 when agreed upon by the board of the school district and the gov-
16 erning body of the city or township for that portion of the
17 school district situated in the city or township. The expense of
18 the election shall be paid proportionately by the school district
19 and the city or township.

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

1 expenses, agreed upon by the school district and the city or
2 township.

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

8 (4) The board of a ~~registration~~ school district shall form
9 the district into 1 or more voting precincts. If the city or
10 township officials conduct an election for a school district
11 under this section, the voting precincts of the school district
12 shall be the same as those of the city or township for that por-
13 tion of the school district lying within the boundaries of the
14 city or township.

15 (5) A person registering after 5 p.m. on the thirtieth day
16 next preceding an annual or special school election or after 5
17 p.m. of the next succeeding day ~~which~~ THAT is not a Saturday,
18 Sunday, or legal holiday in case the thirtieth day is a Saturday,
19 Sunday, or legal holiday ~~shall~~ IS not ~~be~~ eligible to vote in
20 the annual or special school election.

21 Sec. 1057. In a ~~registration~~ school district or portion
22 of a SCHOOL district in which the registration records of a city
23 or township are not used at school elections the following proce-
24 dures ~~shall~~ apply:

25 (a) The secretary of the board shall cause to be prepared
26 and filed with the clerk of each city or township, to keep with
27 the registration books, a map showing the boundary by roads or

1 streets and the name of each ~~registration~~ school district or
2 part of a SCHOOL district lying within the boundaries of the city
3 or township.

4 (b) ~~Within 10 days after a school district becomes a~~
5 ~~registration~~ BEFORE FEBRUARY 1, 1992, IF NOT PREVIOUSLY DONE BY
6 THE school district, the secretary of the board shall submit a
7 written request to the clerk of each city or township into which
8 the school district extends to furnish the secretary a certified
9 list of the names and residential addresses of the existing reg-
10 istered electors of the city or township who reside within the
11 school district. Upon receiving the request, the city or town-
12 ship clerk shall make, certify, and deliver to the school dis-
13 trict secretary a true list of the names and addresses of the
14 registered electors of the city or township residing within the
15 school district as shown by the clerk's registration books. The
16 initial list of registered voters may consist of duplicated reg-
17 istration cards containing the same information contained on the
18 face of the original cards, a list contained upon 1 or more
19 sheets, or photographic duplications of the face of the original
20 cards. Each sheet or card shall bear the official seal or stamp
21 of the certifying clerk. The school district shall pay the cost
22 of preparing lists but the clerk may furnish the certified record
23 without assessing costs ~~therefor~~ FOR THE RECORD. The secretary
24 may convert the original registration list to separate district
25 precinct lists or cards. Each precinct list or card copied from
26 the original shall bear the certification of the secretary or the
27 official clerk of the board that it is a true copy. When the

1 original list is converted to separate registration cards, each
2 person whose name appears on the card shall be requested to sign
3 the card at the first election ~~thereafter~~ at which the person
4 offers to vote. A ballot shall not be issued to a person who
5 refuses to sign the card.

6 (c) The clerk of each city or township, at the time of
7 taking the city or township registration of a person, shall
8 determine in what school district the person resides. ~~If it is~~
9 ~~a registration school district, the~~ THE clerk shall prepare an
10 additional registration card for the person and immediately
11 deliver it to the secretary of the board of the school district.
12 The additional card may be sworn to and signed by the person reg-
13 istering, or it may be a carbon copy of the original city or
14 township registration card certified to by the city or township
15 clerk or the clerk's authorized representative. A person regis-
16 tering after 5 p.m. of the thirtieth day next preceding an
17 annual or special school election or after 5 p.m. of the next
18 succeeding day which is not a Saturday, Sunday, or legal holiday
19 in case the thirtieth day is a Saturday, Sunday, or legal holiday
20 shall not be eligible to vote in the annual or special school
21 election. That person's registration shall not be delivered to
22 the secretary of the school district until after the annual or
23 special school election is held.

24 (d) Each city or township clerk shall prepare an additional
25 copy of a cancellation of registration and of each transfer of
26 registration and deliver the cancellation and transfer copies to

1 the secretary of the applicable board, who shall apply the
2 corrections to the registration records of the school district.

3 Sec. 1059. (1) Except when the school election is con-
4 ducted by city or township officials under section 1053, the
5 board shall appoint 3 or more school electors for each voting
6 precinct to serve as the board of election inspectors in that
7 precinct. Appointments shall be made at least 10 days ~~prior to~~
8 BEFORE the date of an election. Each member shall take the con-
9 stitutional oath of office and ~~shall be~~ IS entitled to adminis-
10 ter oaths to persons in connection with the election. In case of
11 inability or refusal of an election inspector to act, the board
12 of education may fill the vacancy. If all members are not
13 present at the time of opening the polls, the members of the
14 board of election inspectors present may fill vacancies. The
15 inspectors of election, including the inspectors of an election
16 conducted by city or township officials, immediately after can-
17 vassing the votes shall make their return ~~thereof~~ OF THE CANVAS
18 and deliver the same to the secretary of the board of education.

19 (2) ~~Registration school~~ SCHOOL district elections shall be
20 canvassed in the manner prescribed in sections 1009 and 1010.

21 Section 2. Sections 1005, 1027, and 1051 of Act No. 451 of
22 the Public Acts of 1976, being sections 380.1005, 380.1027, and
23 380.1051 of the Michigan Compiled Laws, are repealed.

24 Section 3. This amendatory act shall take effect January 1,
25 1992.