

# HOUSE BILL No. 5770

April 28, 1992, Introduced by Reps. Byrum, Hollister, Wozniak, Keith, Jondahl, Trim, Fitzgerald, Middleton, DeMars and Joe Young, Jr. and referred to the Committee on Elections.

A bill to amend section 322 of Act No. 451 of the Public Acts of 1976, entitled as amended

"The school code of 1976,"

as amended by Act No. 322 of the Public Acts of 1984, being section 380.322 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 322 of Act No. 451 of the Public Acts of  
2 1976, as amended by Act No. 322 of the Public Acts of 1984, being  
3 section 380.322 of the Michigan Compiled Laws, is amended to read  
4 as follows:

5 Sec. 322. (1) A registered school elector of the school  
6 district ~~shall be~~ IS eligible to be chosen as a board member.

7 Section 1066 ~~shall be~~ IS applicable to a second class school  
8 district unless otherwise provided for in this part.

1       (2) Nominations for board members shall be by petition  
2 signed by not less than 100 registered school electors of the  
3 district. The petition shall be filed with the secretary of the  
4 board, except that the petition shall be filed with the city  
5 clerk if the boundaries of the school district are coterminous  
6 with the city, not later than 4 p.m. on the ~~ninth Monday~~  
7 TWELFTH TUESDAY before the date of election. However, if the  
8 ~~ninth Monday~~ TWELFTH TUESDAY is a legal holiday, the petition  
9 may be filed with the secretary not later than 4 p.m. on the next  
10 secular day ~~which~~ THAT is not a legal holiday. With the peti-  
11 tion, a candidate shall file an affidavit as provided in section  
12 558 of the Michigan election law, Act No. 116 of the Public Acts  
13 of 1954, being section 168.558 of the Michigan Compiled Laws.

14       (3) The officer with whom the petitions are filed shall  
15 determine if the candidates whose petitions are filed possess the  
16 qualifications required by law for board membership. If a candi-  
17 date does not possess the qualifications for board membership,  
18 the officer immediately shall notify the candidate of that fact  
19 and the candidate's name shall not be printed on the ballot. The  
20 officer with whom the petitions are filed shall notify the county  
21 clerk of the names and addresses of the candidates not later than  
22 3 days after the last date for candidate withdrawal. However, if  
23 the third day is a Saturday, Sunday, or legal holiday, the notice  
24 may be made on the next secular day.

25       (4) The following primary election plan method of nomination  
26 ~~shall be~~ IS operative if the board by resolution approves its  
27 adoption. Nominations for board members shall be by the vote of

1 registered school electors at the primary election held before  
2 the regular school election. The requirements to obtain the  
3 printing of the name of a candidate on the primary election  
4 ballot shall be the same as provided in this section when a pri-  
5 mary is not conducted. The board resolution adopting the primary  
6 election plan shall specify the date of the primary election pre-  
7 ceding the regular election.

8       (5) In the primary election, a candidate who receives a  
9 majority of the votes cast for candidates for that office shall  
10 be elected. If several candidates are to be elected to identical  
11 offices for the same term at the same election, a candidate shall  
12 be considered to have received a majority in the primary if the  
13 candidate receives more than 1/2 of the average number of votes  
14 for each of the offices. The average shall be determined by  
15 dividing the total number of votes cast for all candidates for  
16 the office by the number of offices to be filled. If more candi-  
17 dates receive a majority than the offices to be filled, the can-  
18 didates receiving the highest votes, respectively, are elected.  
19 If a candidate, or a sufficient number of candidates, does not  
20 receive a majority at the primary election, the 2 candidates for  
21 each office receiving the highest number of votes shall be  
22 nominated. If more than 1 office is to be filled, the candidates  
23 receiving the highest number of votes, less than a majority,  
24 shall be nominated, but the number of nominees shall not be more  
25 than double the number of offices remaining to be filled.