



**House  
Legislative  
Analysis  
Section**

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## **SCHOOLS: FILING DEADLINE**

**House Bill 4176 as passed by the House  
First Analysis (3-5-93)**

**Sponsor: Rep. Dianne Byrum  
Committee: Education**

### ***THE APPARENT PROBLEM:***

Prior to enactment of Public Act 7 of 1990, election officials in communities throughout the state were having trouble ensuring that absent voter ballots were delivered to local government clerks by county clerks at least 42 days prior to the general November election. Some people felt this problem was partially due to deadlines established in state law for the filing of nominating petitions that were too close to election day. Public Act 7 generally corrected the problem by moving up the filing deadlines for prospective candidates, thus giving election officials more time to print up and mail out absentee ballots to voters temporarily away from the district so they could complete and return them by election day. Despite these changes problems still exist in some election districts. For example, in an attempt to reduce the cost of elections for the City of Lansing and the Lansing School District, the school district apparently has agreed to hold its elections for board members in conjunction with the city's odd year primary election scheduled for August. Unfortunately, the earlier filing deadline imposed on prospective school board candidates by Public Act 7 only applies in a "first class" school district--that is, Detroit. Thus, the City of Lansing fears it will not be able to get absentee ballots containing school board candidates printed up and mailed out early enough, resulting in their being returned after election day has passed. To resolve this specific problem, it has been suggested that second class school districts be allowed to establish an earlier filing deadline for school board candidates if this is agreed to by officials of both the school district and those local governments in which it is located.

In a related matter, changes made to the School Code by Public Act 263 of last year removed references to "nonregistration" school districts (those in which registration as a general elector with the city or township clerk was not required of school electors), which eliminated the distinction between

these and "registration" school districts; thus, people now must be registered to vote in all school elections. Apparently, some of the changes made by the act inadvertently caused all fourth class school districts to be subject to the deadline for filing nomination petitions (30 days before the election) that used to apply only to the few fourth class school districts that used to be nonregistration school districts. (The deadline for filing nominating petitions in fourth class school districts that, before Public Act 263, were not classified as nonregistration districts was the ninth Monday before the date of the election.) With school board elections in some of these districts approaching, amendments are needed to rectify the problem.

### ***THE CONTENT OF THE BILL:***

The bill would amend the School Code to allow petitions for school board candidates in a second class school district to be filed by the 12th Tuesday before the date of the election rather than the 9th Monday before the election, if this were agreed to by officials of the school district and the city or township in which the school district was located. Also, the bill would amend the code to require candidates for a school board in a fourth class school district to file nominating petitions and an affidavit as provided for under the School Code, rather than according to provisions in the Michigan Election Law. Thus, the deadline for filing nominating petitions for fourth class school district board candidates would be moved from four p.m. on the thirtieth day before the date of the election to four p.m. on the ninth Monday before it.

MCL 380.113, 380.322 and 380.1053

### ***FISCAL IMPLICATIONS:***

The House Fiscal Agency says the bill would not affect state or local budget expenditures. (3-2-93)

## **ARGUMENTS:**

### ***For:***

While Public Act 7 of 1990 requires candidates for school board in a first class school district (only Detroit) to file their nominating petitions three weeks earlier than what was required before the act, at least one second class school district in Michigan believes it could benefit from having an earlier filing deadline, too. In order to reduce the costs of elections for the City of Lansing and the Lansing School District, the school district apparently would like to hold its school board election at the same time as the city's odd-year primary election in August. (Public Act 7 also changed the deadline for filing nominating petitions that applies to cities and other local governments to the twelfth Tuesday before the August primary election, rather than the ninth Tuesday before the election.) But if the city were to hold its election this summer in conjunction with the local school district, it expects that the later filing deadline that applies to school board candidates would make it difficult for the city to get absentee ballots showing all the candidates printed up and mailed out early enough for electors away from the district to vote on time. The bill would correct the problem by allowing a second class school district the option of imposing an earlier deadline for filing nominating petitions if this were agreed to by officials of the school district and local governments in which it is located. However, second class school districts (there are two others besides Lansing--Grand Rapids and Flint) that did not wish to change the filing deadline would not be affected by the bill.

### ***For:***

Since enactment of Public Act 263 late in 1992, it appears that the deadline for filing nomination petitions in all fourth class school districts (those having fewer than 600 pupils) has been moved from the ninth Monday before the election to 30 days before the election. This inadvertant change, according to a spokeswoman with the Michigan Association of School Boards, apparently is the result of interplay between different sections of the School Code after changes were made last year. Public Act 263 eliminated "nonregistration" fourth class school districts by deleting all references in the code to this special type of school district that was created several years ago. Unfortunately, deleting a reference that was found in Section 113 of the code not only helped to eliminate this relatively rare type of fourth class school district (and thus

required them all to become "registration" school districts); it also made all fourth class school districts subject to the deadline for filing nomination petitions that formerly applied only to nonregistration school districts. The bill would resolve the problem by specifying that provisions pertaining to the filing of nomination petitions, the form and canvassing of petitions, the withdrawal of candidates, and the printing of an official ballot that apply to fourth class school districts would all be governed by other sections of the code.

## **POSITIONS:**

The Department of State supports the bill. (3-2-93)

The Lansing School District supports the bill. (3-2-93)

The City of Lansing supports the bill. (3-2-93)

The Ingham Intermediate School District supports the bill. (3-2-93)

The Michigan Association of School Boards supports the bill. (3-4-93)