

Act No. 9  
Public Acts of 1993  
Approved by the Governor  
March 25, 1993  
Filed with the Secretary of State  
March 26, 1993

**STATE OF MICHIGAN  
87TH LEGISLATURE  
REGULAR SESSION OF 1993**

**Introduced by Reps. Byrum, DeMars, Scott, Middleton, Keith, Hollister and Brackenridge  
Reps. Agee, Allen, Alley, Anthony, Bandstra, Barns, Bodem, Bullard, Crissman, Cropsey, Dalman,  
DeLange, Dobb, Dolan, Fitzgerald, Freeman, Gagliardi, Galloway, Gernaat, Goschka, Griffin,  
Gustafson, Hammerstrom, Harrison, Hill, Hillegonds, Jersevic, Kilpatrick, Kukuk, Llewellyn,  
McBryde, McManus, Middaugh, Olshove, Pitoniak, Points, Porreca, Shepich, Voorhees, Vorva,  
Wetters, Whyman and Willard named co-sponsors**

## **ENROLLED HOUSE BILL No. 4176**

AN ACT to amend sections 113, 322, and 1053 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," sections 113 and 1053 as amended by Act No. 263 of the Public Acts of 1992 and section 322 as amended by Act No. 322 of the Public Acts of 1984, being sections 380.113, 380.322, and 380.1053 of the Michigan Compiled Laws.

*The People of the State of Michigan enact:*

Section 1. Sections 113, 322, and 1053 of Act No. 451 of the Public Acts of 1976, sections 113 and 1053 as amended by Act No. 263 of the Public Acts of 1992 and section 322 as amended by Act No. 322 of the Public Acts of 1984, being sections 380.113, 380.322, and 380.1053 of the Michigan Compiled Laws, are amended to read as follows:

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 1066. The form and canvassing of petitions and the withdrawal of candidates are governed by section 1066.

(2) The secretary of the board shall have an official ballot printed in the manner prescribed in sections 1008 and 1067.

Sec. 322. (1) A registered school elector of the school district is eligible to be chosen as a board member. Section 1066 is applicable to a second class school district unless otherwise provided for in this part.

(2) Nominations for board members shall be by petition signed by not less than 100 registered school electors of the district. The petition shall be filed with the secretary of the board or, if the boundaries of the school district are

coterminous with the city, with the city clerk not later than 4 p.m. on the ninth Monday before the date of election, unless an agreement under section 1053 varies the date of filing nominating petitions. However, if the ninth Monday is a legal holiday, the petition may be filed with the secretary not later than 4 p.m. on the next secular day that is not a legal holiday. With the petition, a candidate shall file 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.

(3) The officer with whom the petitions are filed shall determine if the candidates whose petitions are filed possess the qualifications required by law for board membership. If a candidate does not possess the qualifications for board membership, the officer immediately shall notify the candidate of that fact and the candidate's name shall not be printed on the ballot. The officer with whom the petitions are filed shall notify the county clerk of the names and addresses of the candidates not later than 3 days after the last date 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 following primary election plan method of nomination is operative if the board by resolution approves its adoption. Nominations for board members shall be by the vote of registered school electors at the primary election held before the regular school election. The requirements to obtain the printing of the name of a candidate on the primary election ballot shall be the same as provided in this section when a primary is not conducted. The board resolution adopting the primary election plan shall specify the date of the primary election preceding the regular election.

(5) In the primary election, a candidate who receives a majority of the votes cast for candidates for that office shall be elected. If several candidates are to be elected to identical offices for the same term at the same election, a candidate shall be considered to have received a majority in the primary if the candidate receives more than 1/2 of the average number of votes for each of the offices. The average shall be determined by dividing the total number of votes cast for all candidates for the office by the number of offices to be filled. If more candidates receive a majority than the offices to be filled, the candidates receiving the highest votes, respectively, are elected. If a candidate, or a sufficient number of candidates, does not receive a majority at the primary election, the 2 candidates for each office receiving the highest number of votes shall be nominated. If more than 1 office is to be filled, the candidates receiving the highest number of votes, less than a majority, shall be nominated, but the number of nominees shall not be more than double the number of offices remaining to be filled.

Sec. 1053. (1) The board of a 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, if that day is a Saturday, Sunday, or legal holiday, after 5 p.m. of the next succeeding day that is not a Saturday, Sunday, or legal holiday, is not eligible to vote in the annual or special school election.

(6) An agreement under this section for conducting the school elections by the city or township officials may provide that nominating petitions for board members be filed with the city or township clerk not later than the twelfth Tuesday before the date of the election.

This act is ordered to take immediate effect.

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Co-Clerk of the House of Representatives.

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Secretary of the Senate.

Approved -----

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Governor.