



HOUSE BILL No. 4374

February 9, 1995, Introduced by Reps. Brackenridge, Hammerstrom, McBryde, Hill, Bodem, Dobb, Dolan, DeMars, Dalman and Bobier and referred to the Committee on Local Government.

A bill to amend section 1066 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 380.1066 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 1066 of Act No. 451 of the Public Acts
2 of 1976, as amended by Act No. 322 of the Public Acts of 1984,
3 being section 380.1066 of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 1066. (1) To ~~obtain the printing of~~ HAVE the name of
6 a candidate for member of the board PRINTED on the ballot, the
7 candidate shall file nominating petitions and an affidavit as
8 provided in section 558 of the Michigan election law, Act No. 116
9 of the Public Acts of 1954, being section 168.558 of the Michigan

1 Compiled Laws, with the secretary of the board or in the office
 2 of the board of education not later than 4 p.m. on the ninth
 3 Monday before the date of election. A school board holding elec-
 4 tions in conjunction with a city election may vary the date of
 5 filing nominating petitions to conform with the filing date of
 6 the city, as provided in section 644k of Act No. 116 of the
 7 Public Acts of 1954, ~~as amended,~~ being section 168.644k of the
 8 Michigan Compiled Laws.

9 (2) Each petition shall be signed by a number of registered
 10 school electors of the district equal to not less than 1% of the
 11 total number of votes received by the candidate for member of the
 12 board of education who received the greatest number of votes at
 13 the last election at which members of the board of education were
 14 elected, but IN NO CASE SHALL the number ~~shall not~~ OF ELECTORS
 15 SIGNING be less than 20. If a nominating petition contains more
 16 than the necessary number of ~~names~~ SIGNATURES, the excess over
 17 1% shall not be considered or counted.

18 (3) A school elector shall not sign petitions for more can-
 19 didates than are to be elected.

20 (4) The petition shall be substantially in the following
 21 form:

22 We, the undersigned, registered and qualified voters of
 23 _____ and residents of the
 24 (legal name of school district)
 25 _____, the county of _____, state
 26 (city or township)
 27 of Michigan, ~~hereby~~ nominate
 28 _____
 29 (name of candidate)
 30 _____, a registered

1 (street address) (~~post office~~ POST OFFICE address)
 2 and qualified elector of the district as a member of the board of
 3 education of the school district for a term of _____ years,
 4 expiring _____, to be voted for at the election to be held on
 5 the _____ day of _____, 19____.

WARNING

6
 7 A person who knowingly signs more petitions for the same
 8 office than there are persons to be elected to the office or
 9 signs a name other than the person's own is violating the provi-
 10 sions of the Michigan election law.

11	PRINTED Name	Street Address	Date of Signing
12	AND	or	Post Office Month Day Year
13	SIGNATURE	Rural Route	

14 1. _____
 15 2. _____
 16 3. _____

17 (20 numbered lines)

CERTIFICATE OF CIRCULATOR

19 The undersigned circulator of the above petition asserts
 20 that ~~the circulator~~ HE OR SHE is qualified to circulate this
 21 petition ~~AND~~ AND that each signature on the petition was signed
 22 in ~~the circulator's~~ HIS OR HER presence; ~~AND~~ AND that to ~~the~~
 23 ~~circulator's~~ HIS OR HER best knowledge and belief, each signa-
 24 ture is the genuine signature of the person purporting to sign
 25 the petition, ~~and that~~ the person SIGNING THE PETITION was at
 26 the time of signing a qualified registered elector of the city or
 27 township listed in the heading of the petition, and that the
 28 elector was qualified to sign the petition.

29 CIRCULATOR--DO NOT SIGN OR DATE THE CERTIFICATE UNTIL AFTER
 30 CIRCULATING THE PETITION.

(PRINTED NAME AND signature of circulator) (DATE)

(street number or rural route)

(city or township WHERE REGISTERED)

~~(date)~~ (POST OFFICE)

Warning--A circulator who knowingly makes a false statement in the above certificate, a person not a circulator who signs as the circulator, or a person who signs a name other than the person's own as circulator is guilty of a misdemeanor.

(5) THE PETITION SHALL BE IN A FORM PROVIDING A SPACE FOR THE CIRCULATOR AND EACH ELECTOR WHO SIGNS THE PETITION TO PRINT HIS OR HER NAME IN THE MANNER PRESCRIBED IN SECTION 544C OF ACT NO. 116 OF THE PUBLIC ACTS OF 1954, BEING SECTION 168.544C OF THE MICHIGAN COMPILED LAWS. THE FAILURE OF THE CIRCULATOR OR AN ELECTOR WHO SIGNS THE PETITION TO PRINT HIS OR HER NAME OR TO PRINT HIS OR HER NAME IN THE PRESCRIBED LOCATION DOES NOT AFFECT THE VALIDITY OF THE SIGNATURE OF THE CIRCULATOR OR THE ELECTOR WHO SIGNS THE PETITION. A PRINTED NAME LOCATED IN THE SPACE PRESCRIBED FOR PRINTED NAMES DOES NOT CONSTITUTE THE SIGNATURE OF THE CIRCULATOR OR ELECTOR.

(6) ~~(5)~~ The size of nominating petitions shall be 8-1/2 inches by ~~+3~~ 14 inches. A nominating petition shall be printed in the following type sizes: the words "nominating petition" shall be in 24-point ~~boldface~~ BOLDFACED type; "we, the ~~undersigned, etc.~~ UNDERSIGNED," ET CETERA, shall be in 8-point type; "warning" and the language contained in the warning shall be in 12-point ~~boldface~~ BOLDFACED type; and the balance of the petition shall be in 8-point type.

1 (7) ~~-(6)-~~ A person who knowingly signs more petitions for
2 the same office than there are candidates to be elected, or who
3 signs a name other than the person's own, is guilty of a
4 misdemeanor.

5 (8) THE CIRCULATOR OF A PETITION SHALL SIGN AND DATE THE
6 CERTIFICATE OF CIRCULATOR BEFORE THE PETITION IS FILED. A CIRCUL-
7 LATOR SHALL NOT OBTAIN ELECTORS' SIGNATURES AFTER THE CIRCULATOR
8 HAS SIGNED AND DATED THE CERTIFICATE OF CIRCULATOR. THE SECRE-
9 TARY OF THE BOARD SHALL NOT COUNT ELECTORS' SIGNATURES THAT WERE
10 OBTAINED AFTER THE DATE THE CIRCULATOR SIGNED THE CERTIFICATE OR
11 THAT ARE CONTAINED IN A PETITION THAT THE CIRCULATOR DID NOT SIGN
12 AND DATE.

13 (9) ~~-(7)-~~ The circulator of a nominating petition shall be a
14 registered school elector of the school district in which the
15 petition is ~~being~~ circulated. A circulator who knowingly makes
16 a false statement in the certificate to the nominating petition
17 provided for in subsection (4), a person not a circulator who
18 signs as the circulator, or who signs a name other than the
19 person's own as circulator, is guilty of a misdemeanor.

20 (10) ~~-(8)-~~ A petition sheet shall not be circulated in more
21 than 1 township or city.

22 (11) ~~-(9)-~~ Upon the filing of nominating petitions, the sec-
23 retary of the board shall canvass the petitions to ascertain if
24 the petitions have been signed by the requisite number of regis-
25 tered school electors. ~~, and for the purpose of determining~~
26 ~~their validity~~ TO DETERMINE THE VALIDITY OF NOMINATING
27 PETITIONS, THE SECRETARY OF THE BOARD may check doubtful

1 signatures against the registration records MAINTAINED by the
2 clerk of the political subdivision in which each petition was
3 circulated to determine the authenticity of the signatures. If
4 ~~it is determined~~ THE SECRETARY OF THE BOARD DETERMINES that
5 ~~the~~ A CANDIDATE'S nominating petitions ~~of a candidate~~ do not
6 comply with the requirements OF THIS SECTION, ~~including the~~
7 ~~fact~~ that the candidate does not possess the qualifications ~~as~~
8 required by law for membership on the board, or ~~if for another~~
9 ~~cause~~ THAT the candidate is not entitled to have his or her name
10 printed upon official election ballots FOR SOME OTHER CAUSE, the
11 secretary of the board shall notify the candidate immediately.
12 If nominating petitions are filed on behalf of the secretary of
13 the board, the treasurer of the board shall perform the duties of
14 the secretary.

15 (12) ~~(+0)~~ After a nominating petition is filed by or on
16 behalf of a proposed candidate for membership on the board, the
17 candidate shall not be permitted to withdraw unless a written
18 notice of withdrawal, signed by the candidate, is served on the
19 secretary of the board or an authorized agent of the secretary of
20 the board not later than 4 p.m. of the third day after the last
21 day for filing ~~the petition~~ NOMINATING PETITIONS. The secre-
22 tary of the board shall notify the county clerk of the names and
23 addresses of the candidates not later than 3 days after the last
24 date for candidate withdrawal. However, if the third day is a
25 Saturday, Sunday, or legal holiday, the notice may be made on the
26 next ~~secular~~ BUSINESS day.