



SENATE BILL No. 774

November 29, 1995, Introduced by Senators MC MANUS, STEIL, BENNETT, SCHUETTE, GAST, STILLE, GOUGEON, SHUGARS and SCHWARZ and referred to the Committee on Government Operations.

A bill to amend Act No. 116 of the Public Acts of 1954, entitled as amended

"Michigan election law,"

as amended, being sections 168.1 to 168.992 of the Michigan Compiled Laws, by adding section 16 and chapter XIV.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 116 of the Public Acts of 1954, as
2 amended, being sections 168.1 to 168.992 of the Michigan Compiled
3 Laws, is amended by adding section 16 and chapter XIV to read as
4 follows:

5 SEC. 16. AS USED IN THIS ACT:

6 (A) "SCHOOL BOARD" MEANS THE GOVERNING BODY OF A SCHOOL
7 DISTRICT.

8 (B) "SCHOOL BOARD MEMBER" MEANS A PERSON HOLDING THE OFFICE
9 OF SCHOOL BOARD MEMBER PURSUANT TO THIS ACT. SCHOOL BOARD MEMBER

1 DOES NOT INCLUDE A SCHOOL BOARD MEMBER OF AN INTERMEDIATE SCHOOL
2 DISTRICT UNLESS THAT INTERMEDIATE SCHOOL DISTRICT HAS ADOPTED
3 SECTIONS 615 TO 617 OF THE SCHOOL CODE OF 1976, ACT NO. 451 OF
4 THE PUBLIC ACTS OF 1976, BEING SECTIONS 380.615 TO 380.617 OF THE
5 MICHIGAN COMPILED LAWS.

6 (C) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT, A LOCAL ACT
7 SCHOOL DISTRICT, OR AN INTERMEDIATE SCHOOL DISTRICT, AS THOSE
8 TERMS ARE DEFINED IN THE SCHOOL CODE OF 1976, ACT NO. 451 OF THE
9 PUBLIC ACTS OF 1976, BEING SECTIONS 380.1 TO 380.1852 OF THE
10 MICHIGAN COMPILED LAWS.

11 CHAPTER XIV.

12 ~~SUPERINTENDENT OF PUBLIC INSTRUCTION AND STATE~~

13 ~~HIGHWAY COMMISSIONER~~

14 SCHOOL ELECTIONS

15 SEC. 301. (1) A PERSON IS ELIGIBLE TO BE ELECTED TO THE
16 OFFICE OF SCHOOL BOARD MEMBER IF THE PERSON IS A CITIZEN OF THE
17 UNITED STATES AND IS A QUALIFIED AND REGISTERED ELECTOR OF THE
18 SCHOOL DISTRICT HE OR SHE SEEKS TO REPRESENT.

19 (2) THE TERM OF OFFICE FOR SCHOOL BOARD MEMBER IS 4 YEARS,
20 COMMENCING AT 12 NOON ON THE JANUARY 1 IMMEDIATELY FOLLOWING HIS
21 OR HER ELECTION. EXCEPT AS OTHERWISE PROVIDED IN SECTION 308, A
22 SCHOOL BOARD MEMBER'S TERM OF OFFICE CONTINUES UNTIL A SUCCESSOR
23 IS ELECTED AND QUALIFIED.

24 SEC. 302. (1) TO OBTAIN THE PRINTING OF THE NAME OF A
25 PERSON AS A CANDIDATE FOR THE OFFICE OF SCHOOL BOARD MEMBER UPON
26 THE OFFICIAL BALLOTS IN THE VARIOUS ELECTION PRECINCTS OF A
27 SCHOOL DISTRICT, THE CANDIDATE SHALL FILE AN AFFIDAVIT AS

1 REQUIRED IN SECTION 558 AND NOMINATING PETITIONS SIGNED BY A
2 NUMBER OF QUALIFIED AND REGISTERED ELECTORS RESIDING IN THE
3 SCHOOL DISTRICT EQUAL TO NOT LESS THAN 1% OR MORE THAN 4% OF THE
4 TOTAL NUMBER OF VOTES CAST IN THE SCHOOL DISTRICT FOR THE SCHOOL
5 BOARD MEMBER WHO RECEIVED THE GREATEST NUMBER OF VOTES AT THE
6 LAST ELECTION IN WHICH A SCHOOL BOARD MEMBER WAS ELECTED TO
7 OFFICE. HOWEVER, THE NUMBER OF SIGNATURES ON THE PETITION SHALL
8 NOT BE LESS THAN 20.

9 (2) IF THE SCHOOL DISTRICT COMPRISES MORE THAN 1 COUNTY,
10 CITY, OR TOWNSHIP, THE CANDIDATE SHALL FILE THE NOMINATING PETI-
11 TIONS AND AFFIDAVIT WITH THE COUNTY CLERK OF THE COUNTY OF THAT
12 CANDIDATE'S RESIDENCE. IF THE SCHOOL DISTRICT COMPRISES 1 CITY
13 OR TOWNSHIP OR LESS, THE CANDIDATE SHALL FILE THE NOMINATING
14 PETITIONS AND AFFIDAVIT WITH THE CLERK OF THAT CITY OR TOWNSHIP.

15 (3) NOMINATING PETITIONS UNDER THIS SECTION SHALL BE IN THE
16 FORM PRESCRIBED IN SECTION 544A. EXCEPT AS OTHERWISE PROVIDED IN
17 THIS SUBSECTION, A COUNTY, CITY, OR TOWNSHIP CLERK SHALL RECEIVE
18 NOMINATING PETITIONS FOR FILING UNDER THIS CHAPTER UP TO 4 P.M.
19 OF THE THIRTIETH DAY BEFORE THE DATE OF THE ELECTION. IF THE
20 THIRTIETH DAY BEFORE THE ELECTION FALLS ON A SATURDAY, SUNDAY, OR
21 LEGAL HOLIDAY, THE CLERK SHALL RECEIVE NOMINATING PETITIONS FOR
22 FILING UNDER THIS CHAPTER UP TO 4 P.M. OF THE NEXT BUSINESS DAY.

23 SEC. 303. AFTER THE FILING OF A NOMINATING PETITION BY OR
24 ON BEHALF OF A PROPOSED CANDIDATE FOR THE OFFICE OF SCHOOL BOARD
25 MEMBER, THE CANDIDATE SHALL NOT BE PERMITTED TO WITHDRAW UNLESS A
26 WRITTEN NOTICE OF WITHDRAWAL IS SERVED ON THE FILING OFFICIAL
27 WITH WHOM HIS OR HER NOMINATING PETITIONS WERE FILED, OR THE

1 FILING OFFICIAL'S AUTHORIZED AGENT, ON OR BEFORE 4 P.M. OF THE
2 THIRD DAY AFTER THE LAST DAY FOR FILING NOMINATING PETITIONS.
3 HOWEVER, IF THE THIRD DAY FALLS ON A SATURDAY, SUNDAY, OR LEGAL
4 HOLIDAY, A WRITTEN NOTICE OF WITHDRAWAL IS EFFECTIVE IF SERVED ON
5 THE APPROPRIATE PERSON AS PROVIDED IN THIS SUBSECTION ON OR
6 BEFORE 4 P.M. OF THE NEXT BUSINESS DAY.

7 SEC. 304. AT LEAST 1 SCHOOL BOARD MEMBER IN EACH SCHOOL
8 DISTRICT SHALL BE ELECTED TO OFFICE IN EACH GENERAL NOVEMBER
9 ELECTION.

10 SEC. 305. THE APPROPRIATE BOARD OF CANVASSERS AS PRESCRIBED
11 IN SECTION 24A OR 30A SHALL CANVASS THE VOTES FOR CANDIDATES FOR
12 THE OFFICE OF SCHOOL BOARD MEMBER IN THE GENERAL NOVEMBER ELEC-
13 TION IN EACH SCHOOL DISTRICT. THE NUMBER OF CANDIDATES FOR THE
14 OFFICE OF SCHOOL BOARD MEMBER EQUAL TO THE NUMBER OF PERSONS TO
15 BE ELECTED WHO RECEIVE THE GREATEST NUMBER OF VOTES CAST AT THE
16 ELECTION, AS SET FORTH IN THE REPORT OF THE BOARD OF CANVASSERS
17 CANVASSING THE VOTES, BASED UPON THE RETURNS FROM THE VARIOUS
18 ELECTION PRECINCTS OR AS DETERMINED BY THE BOARD OF CANVASSERS AS
19 A RESULT OF A RECOUNT, SHALL BE DECLARED ELECTED TO THE OFFICE OF
20 SCHOOL BOARD MEMBER. UPON COMPLETION OF THE CANVASS, THE BOARD
21 OF CANVASSERS SHALL MAKE A STATEMENT OF RETURNS AND CERTIFY THE
22 ELECTION OF SCHOOL BOARD MEMBERS TO THE APPROPRIATE FILING OFFI-
23 CIAL WHO RECEIVED THE NOMINATING PETITIONS IN THAT SCHOOL DIS-
24 TRICT UNDER SECTION 302.

25 SEC. 306. THE OFFICIAL WHO RECEIVES THE CERTIFICATION OF
26 THE BOARD OF CANVASSERS UNDER SECTION 305 SHALL FILE IN HIS OR
27 HER OFFICE AND PRESERVE THE ORIGINAL STATEMENT OF RETURNS AND

1 CERTIFICATION OF THE BOARD OF CANVASSERS OF THE RESULT OF THE
2 ELECTION. THE OFFICIAL SHALL IMMEDIATELY EXECUTE AND CAUSE TO BE
3 DELIVERED TO THE PERSONS DECLARED ELECTED TO THE OFFICE OF SCHOOL
4 BOARD MEMBER A CERTIFICATE OF ELECTION, CERTIFIED BY THE
5 OFFICIAL.

6 SEC. 307. A PERSON ELECTED TO THE OFFICE OF SCHOOL BOARD
7 MEMBER, BEFORE ENTERING UPON THE DUTIES OF HIS OR HER OFFICE,
8 SHALL TAKE AND SUBSCRIBE TO THE OATH PROVIDED IN SECTION 1 OF
9 ARTICLE XI OF THE STATE CONSTITUTION OF 1963.

10 SEC. 308. THE OFFICE OF A SCHOOL BOARD MEMBER SHALL BECOME
11 VACANT IMMEDIATELY, WITHOUT DECLARATION BY AN OFFICER OR ACCEP-
12 TANCE BY THE SCHOOL BOARD OR 1 OF ITS MEMBERS, UPON ANY OF THE
13 FOLLOWING EVENTS:

14 (A) THE DEATH OF THE SCHOOL BOARD MEMBER.

15 (B) THE SCHOOL BOARD MEMBER'S BEING ADJUDICATED INSANE OR
16 BEING FOUND TO BE MENTALLY INCOMPETENT BY A COURT OF COMPETENT
17 JURISDICTION.

18 (C) THE SCHOOL BOARD MEMBER'S RESIGNATION.

19 (D) THE SCHOOL BOARD MEMBER'S REMOVAL FROM OFFICE.

20 (E) THE SCHOOL BOARD MEMBER'S CONVICTION OF A FELONY.

21 (F) THE SCHOOL BOARD MEMBER'S ELECTION OR APPOINTMENT BEING
22 DECLARED VOID BY A COMPETENT TRIBUNAL.

23 (G) THE SCHOOL BOARD MEMBER'S NEGLIGENCE OR FAILURE TO FILE THE
24 ACCEPTANCE OF OFFICE, TO TAKE THE OATH OF OFFICE, OR TO GIVE OR
25 RENEW AN OFFICIAL BOND REQUIRED BY LAW.

26 (H) THE FAILURE OF THE SCHOOL DISTRICT TO ELECT A SUCCESSOR
27 AT THE GENERAL NOVEMBER ELECTION.

1 (I) THE SCHOOL BOARD MEMBER CEASING TO POSSESS THE LEGAL
2 QUALIFICATIONS FOR HOLDING OFFICE.

3 (J) THE SCHOOL BOARD MEMBER'S RESIDENCE BEING REMOVED FROM
4 THE SCHOOL DISTRICT.

5 SEC. 309. (1) IF A VACANCY OCCURS IN THE OFFICE OF SCHOOL
6 BOARD MEMBER AS PROVIDED IN SECTION 308, THE VACANCY SHALL BE
7 FILLED WITHIN 45 DAYS BY ELECTION OF A QUALIFIED AND REGISTERED
8 ELECTOR OF THE SCHOOL DISTRICT BY A MAJORITY OF THE REMAINING
9 MEMBERS OF THE SCHOOL BOARD. THE PERSON ELECTED BY THE SCHOOL
10 BOARD UNDER THIS SUBSECTION SHALL HOLD THE OFFICE OF SCHOOL BOARD
11 MEMBER UNTIL THE NEXT GENERAL NOVEMBER ELECTION. THE SCHOOL
12 BOARD SHALL CAUSE THE REMAINDER OF THE TERM OF THE VACANCY TO BE
13 FILLED BY SPECIAL ELECTION HELD IN CONJUNCTION WITH THE GENERAL
14 NOVEMBER ELECTION. THE PERSON ELECTED AT THE GENERAL NOVEMBER
15 ELECTION TO FILL A VACANCY UNDER THIS SUBSECTION SHALL HOLD THE
16 OFFICE OF SCHOOL BOARD MEMBER FOR THE FULL REMAINDER OF THE TERM
17 OF THE FORMER MEMBER.

18 (2) IF THE REMAINING MEMBERS OF THE SCHOOL BOARD FAIL TO
19 FILL A VACANCY AS REQUIRED UNDER SUBSECTION (1), THE SCHOOL BOARD
20 SHALL CAUSE THE VACANCY TO BE FILLED AT THE NEXT GENERAL NOVEMBER
21 ELECTION BY SPECIAL ELECTION HELD IN CONJUNCTION WITH THAT
22 ELECTION. THE PERSON ELECTED TO FILL A VACANCY UNDER THIS SUB-
23 SECTION SHALL HOLD THE OFFICE OF SCHOOL BOARD MEMBER FOR THE FULL
24 REMAINDER OF THE TERM OF THE FORMER MEMBER.

25 (3) UNTIL A VACANCY IS FILLED UNDER THIS SECTION, THE
26 REMAINING MEMBERS OF THE SCHOOL BOARD HAVE ALL OF THE POWERS AND
27 DUTIES ESTABLISHED BY LAW.

1 SEC. 310. THE VOTES CAST FOR A CANDIDATE FOR THE OFFICE OF
2 SCHOOL BOARD MEMBER OR ON A QUESTION SUBMITTED TO THE VOTERS AT A
3 SCHOOL ELECTION ARE SUBJECT TO RECOUNT AS PROVIDED IN
4 CHAPTER XXXIII.

5 SEC. 311. A PERSON ELECTED TO THE OFFICE OF SCHOOL BOARD
6 MEMBER IS SUBJECT TO RECALL AS PROVIDED IN CHAPTER XXXVI AND IN
7 SECTION 8 OF ARTICLE II OF THE STATE CONSTITUTION OF 1963.

8 SEC. 315. (1) A SCHOOL BOARD MAY SUBMIT A QUESTION TO THE
9 VOTE OF THE REGISTERED ELECTORS OF THE SCHOOL DISTRICT AS PRO-
10 VIDED IN THIS SECTION. EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED
11 BY LAW, THE SCHOOL BOARD SHALL SUBMIT A QUESTION TO THE VOTE OF
12 THE REGISTERED ELECTORS OF THE SCHOOL DISTRICT AS PROVIDED IN
13 THIS SECTION UPON RECEIPT OF PETITIONS SIGNED BY 5% OR MORE OF
14 THE REGISTERED ELECTORS OF THE SCHOOL DISTRICT, BUT THE NUMBER
15 SHALL NOT BE LESS THAN 25.

16 (2) UPON DECISION OF THE SCHOOL BOARD TO SUBMIT A QUESTION
17 TO THE VOTE OF THE REGISTERED ELECTORS OF THE SCHOOL DISTRICT OR
18 DETERMINATION BY THE SCHOOL BOARD THAT A PETITION MEETS THE
19 LAWFUL SIGNATURE REQUIREMENTS, THE QUESTION SHALL BE SUBMITTED TO
20 THE REGISTERED ELECTORS OF THE SCHOOL DISTRICT AT A SPECIAL ELEC-
21 TION HELD ON 1 OF THE FOLLOWING ELECTION DATES:

22 (A) THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN APRIL.

23 (B) THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN AUGUST.

24 (C) THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN
25 NOVEMBER.

26 (3) THE SCHOOL BOARD SHALL CALL A SPECIAL ELECTION UNDER
27 THIS SECTION BY GIVING THE REQUIRED LEGAL NOTICE.

1 (4) A SCHOOL BOARD SHALL NOT SUBMIT A QUESTION TO THE VOTE
2 OF THE QUALIFIED ELECTORS OF THE SCHOOL DISTRICT UNLESS THE QUES-
3 TION TO BE VOTED UPON IS WITHIN THE LAWFUL AUTHORITY OF THE QUAL-
4 IFIED ELECTORS OF THAT SCHOOL DISTRICT TO DECIDE. A SCHOOL BOARD
5 SHALL NOT SUBMIT A QUESTION TO THE VOTE OF THE QUALIFIED ELECTORS
6 OF THE SCHOOL DISTRICT UNLESS THE QUESTION TO BE VOTED UPON IS
7 STATED IN THE NOTICE OF THE ELECTION.

8 SEC. 316. (1) IF A SCHOOL BOARD CALLS A SPECIAL ELECTION TO
9 SUBMIT A QUESTION TO THE REGISTERED ELECTORS OF THE SCHOOL DIS-
10 TRICT AS PROVIDED IN SECTION 315, THE SCHOOL DISTRICT SHALL PAY
11 TO EACH COUNTY, CITY, AND TOWNSHIP CONDUCTING THE SPECIAL ELEC-
12 TION FOR THAT SCHOOL DISTRICT AN AMOUNT DETERMINED BY THIS
13 SECTION.

14 (2) IF THE SPECIAL ELECTION CALLED BY THE SCHOOL BOARD IS
15 HELD IN CONJUNCTION WITH ANOTHER ELECTION HELD IN THE COUNTY,
16 CITY, OR TOWNSHIP, THE SCHOOL DISTRICT SHALL PAY TO THE COUNTY,
17 CITY, OR TOWNSHIP 100% OF THE ACTUAL COSTS OF CONDUCTING THE SPE-
18 CIAL ELECTION CALLED BY THE SCHOOL BOARD. IF THE SPECIAL ELEC-
19 TION CALLED BY THE SCHOOL BOARD IS NOT HELD IN CONJUNCTION WITH
20 ANY OTHER ELECTION HELD IN THE COUNTY, CITY, OR TOWNSHIP, THE
21 SCHOOL DISTRICT SHALL PAY TO THE COUNTY, CITY, OR TOWNSHIP 105%
22 OF THE ACTUAL COSTS OF CONDUCTING THE SPECIAL ELECTION CALLED BY
23 THE SCHOOL BOARD.

24 (3) THE COUNTY, CITY, OR TOWNSHIP SHALL PRESENT TO THE
25 SCHOOL DISTRICT A VERIFIED ACCOUNT OF ACTUAL COSTS OF CONDUCTING
26 THE SPECIAL ELECTION CALLED BY THE SCHOOL BOARD NOT LATER THAN
27 THE NINETIETH DAY FOLLOWING THE DATE OF THE ELECTION. THE SCHOOL

1 BOARD SHALL PAY OR DISAPPROVE ALL OR A PORTION OF THE VERIFIED
2 ACCOUNT BEFORE THE EXPIRATION OF 90 DAYS AFTER THE SCHOOL DIS-
3 TRICT RECEIVES A VERIFIED ACCOUNT OF ACTUAL COSTS UNDER THIS
4 SUBSECTION.

5 (4) IF THE SCHOOL BOARD DISAPPROVES ALL OR A PORTION OF A
6 VERIFIED ACCOUNT OF ACTUAL COSTS UNDER SUBSECTION (3), THE SCHOOL
7 BOARD SHALL SEND A NOTICE OF DISAPPROVAL ALONG WITH THE REASONS
8 FOR THE DISAPPROVAL TO THE COUNTY, CITY, OR TOWNSHIP. UPON
9 REQUEST OF A COUNTY, CITY, OR TOWNSHIP WHOSE VERIFIED ACCOUNT OR
10 PORTION OF A VERIFIED ACCOUNT WAS DISAPPROVED UNDER THIS SECTION,
11 THE SCHOOL BOARD SHALL REVIEW THE DISAPPROVED COSTS WITH THE
12 COUNTY, CITY, OR TOWNSHIP.

13 (5) SCHOOL BOARDS, COUNTIES, CITIES, AND TOWNSHIPS SHALL USE
14 THE AGREEMENT ON WHAT CONSTITUTES VALID COSTS OF CONDUCTING AN
15 ELECTION MADE PURSUANT TO SECTION 487(2) AS A BASIS FOR PREPARING
16 AND EVALUATING VERIFIED ACCOUNTS UNDER THIS SECTION. THE SECRE-
17 TARY OF STATE SHALL ASSIST SCHOOL BOARDS, COUNTIES, CITIES, AND
18 TOWNSHIPS IN PREPARING AND EVALUATING VERIFIED ACCOUNTS UNDER
19 THIS SECTION.

20 SEC. 320. THE PROVISIONS OF THIS ACT APPLICABLE TO THE CON-
21 DUCT OF ELECTIONS SHALL BE APPLICABLE AS NEAR AS POSSIBLE IN ALL
22 RESPECTS TO A GENERAL OR SPECIAL ELECTION CONDUCTED UNDER THIS
23 CHAPTER, UNLESS OTHERWISE SPECIFICALLY PROVIDED TO THE CONTRARY.

24 Section 2. This amendatory act shall not take effect unless
25 all of the following bills of the 88th Legislature are enacted
26 into law:

1 (a) Senate Bill No. 773.

2

3 (b) Senate Bill No. 775.

4