



# HOUSE BILL No. 5039

October 26, 1999, Introduced by Reps. Green, DeRossett, Minore, Law and Birkholz and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1976 PA 451, entitled "The revised school code," by amending section 1066 (MCL 380.1066), as amended by 1995 PA 289.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

HOUSE BILL No. 5039

1       Sec. 1066. (1) To obtain the printing of the name of a can-

2 didate for member of the SCHOOL board on the ballot, the candi-

3 date shall file nominating petitions and an affidavit as provided

4 in section 558 of the Michigan election law, ~~Act No. 116 of the~~

5 ~~Public Acts of 1954, being section 168.558 of the Michigan~~

6 ~~Compiled Laws~~ 1954 PA 116, MCL 168.558, with the secretary of

7 the SCHOOL board or in the office of the SCHOOL board ~~of~~

8 ~~education~~ not later than 4 p.m. on the ninth Monday before the

9 date of election. A school board holding elections in

10 conjunction with a city election may vary the date of filing

1 nominating petitions to conform with the filing date of the city,  
 2 as provided in section 644k of ~~Act No. 116 of the Public Acts of~~  
 3 ~~1954, being section 168.644k of the Michigan Compiled Laws~~ THE  
 4 MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.644K.

5 (2) ~~Each~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION,  
 6 EACH NOMINATING petition shall be signed by a number of school  
 7 electors of the district equal to not less than 1% of the total  
 8 number of votes received by the candidate for member of the  
 9 SCHOOL board ~~of education~~ who received the greatest number of  
 10 votes at the last election at which members of the SCHOOL board  
 11 ~~of education~~ were elected, but the number shall not be less  
 12 than 20. IN A SCHOOL DISTRICT WITH 150 OR FEWER SCHOOL ELECTORS,  
 13 EACH NOMINATING PETITION SHALL BE SIGNED BY AT LEAST 10 SCHOOL  
 14 ELECTORS. If a nominating petition contains more than the neces-  
 15 sary number of names, the excess over 1% shall not be considered  
 16 or counted.

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

19 (4) The petition shall be substantially in the form pre-  
 20 scribed in section ~~5446~~ 544C of ~~Act No. 116 of the Public Acts~~  
 21 ~~of 1954, being section 168.544c of the Michigan Compiled Laws~~  
 22 THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.544C, except that  
 23 the petition shall be nonpartisan and shall include the following  
 24 opening paragraph:

25 We, the undersigned, registered and qualified voters of  
 26 \_\_\_\_\_ and residents of the

1 (legal name of school district)  
 2 \_\_\_\_\_, the county of \_\_\_\_\_, state  
 3 (city or township)  
 4 of Michigan, nominate \_\_\_\_\_  
 5 (name of candidate)  
 6 \_\_\_\_\_, a registered  
 7 (street address) (post-office address)  
 8 and qualified elector of the district as a member of the board of  
 9 education of the school district for a term of \_\_\_\_ years,  
 10 expiring  
 11 \_\_\_\_\_, to be voted for at the election to be held on the \_\_\_\_\_  
 12 day  
 13 of \_\_\_\_\_, \_\_\_\_\_.  
 14 (month) (year)

15 (5) A petition sheet shall not be circulated in more than 1  
 16 township or city.

17 (6) Upon the filing of nominating petitions, the secretary  
 18 of the SCHOOL board shall canvass the petitions to ascertain if  
 19 the petitions have been signed by the requisite number of school  
 20 electors, and for the purpose of determining their validity may  
 21 check doubtful signatures against the registration records by the  
 22 clerk of the political subdivision in which each petition was  
 23 circulated to determine the authenticity of the signatures. If  
 24 it is determined that the nominating petitions of a candidate do  
 25 not comply with the requirements, including the fact that the  
 26 candidate does not possess the qualifications as required by law  
 27 for membership on the SCHOOL board, or if for another cause the

1 candidate is not entitled to have his or her name printed upon  
2 official election ballots, the secretary of the SCHOOL board  
3 shall notify the candidate immediately. If nominating petitions  
4 are filed on behalf of the secretary of the SCHOOL board, the  
5 treasurer of the SCHOOL board shall perform the duties of the  
6 secretary.

7 (7) After a nominating petition is filed by or on behalf of  
8 a proposed candidate for membership on the SCHOOL board, the can-  
9 didate shall not be permitted to withdraw unless a written notice  
10 of withdrawal, signed by the candidate, is served on the secre-  
11 tary of the SCHOOL board or an authorized agent of the secretary  
12 of the SCHOOL board not later than 4 p.m. of the third day after  
13 the last day for filing the petition. The secretary of the  
14 SCHOOL board shall notify the county clerk of the names and  
15 addresses of the candidates not later than 3 days after the last  
16 date for candidate withdrawal. However, if the third day is a  
17 Saturday, Sunday, or legal holiday, the notice may be made on the  
18 next ~~secular~~ day THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL  
19 HOLIDAY.