



# HOUSE BILL No. 6000

September 27, 2000, Introduced by Rep. 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 sections 859, 1053, and 1059 (MCL 380.859, 380.1053,  
and 380.1059), section 1053 as amended by 1993 PA 9 and section  
1059 as amended by 1992 PA 263.

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

1       Sec. 859. (1) The proposition shall be in substantially the  
2 following form:

3  
4       "Shall the territory of the following school districts be  
5 united to form 1 school district?

6       (Names of school districts to be consolidated to be listed  
7 here)

8       Yes   (    )

1       No    (    )"

2       (2) Printed ballots, voting machines, or other voting  
3 devices shall be used. The intermediate superintendent shall  
4 supply printed ballots, poll books, and other necessary election  
5 supplies to each board of election inspectors of the election  
6 unit of the school districts operating less than 12 grades.

7       (3) The secretary of the board of each school district oper-  
8 ating 12 grades shall provide printed ballots for the election  
9 and supply all election materials necessary for the election.  
10 The board of each school district OPERATING 12 GRADES shall  
11 appoint the necessary ~~school electors~~ MEMBERS to the board of  
12 election inspectors AS DETERMINED UNDER SECTION 1059.

13       (4) The members of the intermediate school board shall act  
14 as the board of election inspectors for the election held in  
15 school districts operating less than 12 grades. The intermediate  
16 board may appoint additional persons to a board of election  
17 inspectors. If more than 1 place for holding the election is  
18 designated by the intermediate superintendent, the members of the  
19 intermediate school board shall be apportioned by the intermedi-  
20 ate superintendent to the boards of election inspectors. If a  
21 member of the intermediate school board or other person appointed  
22 to a board of election inspectors is unable to be present at the  
23 election or is required to leave during the hours the polls are  
24 open, the remaining members of the board of election inspectors  
25 may appoint another person to fill the vacancy.

1 (5) Each member of a board of election inspectors shall take  
2 the constitutional oath of office before entering on the duties  
3 of an election inspector.

4 (6) The affirmative vote of a majority of the school elec-  
5 tors voting on the question in each of the election units ~~shall~~  
6 ~~be~~ IS necessary to effect the consolidation of the school  
7 districts. The consolidation ~~shall become~~ IS effective as of  
8 the date of the official canvass.

9 (7) The members of the intermediate school board and other  
10 ELECTION inspectors ~~of election~~ acting in the election unit of  
11 a school district operating less than 12 grades shall receive the  
12 same compensation for conducting the election as is authorized  
13 for election inspectors in a general ~~state~~ election UNDER THE  
14 MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.1 TO 168.992. If the  
15 consolidation becomes effective, expenses incurred for the elec-  
16 tion in each election unit shall be certified to the board of the  
17 consolidated school district. The school board shall pay elec-  
18 tion costs from the funds of the consolidated school district.  
19 If the proposition to consolidate is not approved, the intermedi-  
20 ate school board shall determine the expenses of the election  
21 held in the election unit operating less than 12 grades and  
22 apportion the expenses equally among the school districts of the  
23 election unit. Each school board of the election unit shall pay  
24 the apportionment to the intermediate school board.

25 Sec. 1053. (1) The board of a school district situated  
26 wholly or partly in a city or township, by agreement with the  
27 governing body of the city or township, may use the registration

1 records of the city or township at an election held by the school  
2 district on terms and conditions, including the payment of the  
3 necessary expenses of an election, agreed upon by the school  
4 board and the governing body of the city or township. If a  
5 school district situated wholly or partly in a city or township  
6 holds an election at the same time that the city or township  
7 holds an election, the election commissioners ~~—, inspectors,~~ and  
8 other election officials, EXCEPT FOR ELECTION INSPECTORS, con-  
9 ducting the city or township election may act in their respective  
10 capacities for the school election when agreed upon by the board  
11 of the school district and the governing body of the city or  
12 township for that portion of the school district situated in the  
13 city or township. IF AGREED UPON BY THE BOARD OF THE SCHOOL DIS-  
14 TRICT AND THE GOVERNING BODY OF THE CITY OR TOWNSHIP, AN ELECTION  
15 INSPECTOR CONDUCTING THE CITY OR TOWNSHIP ELECTION MAY SERVE AS  
16 AN ELECTION INSPECTOR FOR THE SCHOOL ELECTION. The expense of the  
17 election shall be paid proportionately by the school district and  
18 the city or township.

19       (2) The board of a school district situated wholly or partly  
20 in a city or township, upon agreement with the governing body of  
21 the city or township, may determine that the city or township by  
22 its proper officials shall conduct annual and special elections  
23 on behalf of the school district in that portion of the school  
24 district lying within the boundaries of the city or township on  
25 terms and conditions, including the payment of the necessary  
26 expenses, agreed upon by the school district and the city or  
27 township.

1       (3) The agreement to use the registration records of the  
2 city or township for school elections and for conducting the  
3 school elections by the city or township officials shall be con-  
4 tinuing and shall be terminated only on 12 months' notice by  
5 either party.

6       (4) The board of a school district shall form the SCHOOL  
7 district into 1 or more voting precincts. If the city or town-  
8 ship officials conduct an election for a school district under  
9 this section, the voting precincts of the school district shall  
10 be the same as those of the city or township for that portion of  
11 the school district lying within the boundaries of the city or  
12 township.

13       (5) A person registering after 5 p.m. on the thirtieth day  
14 ~~next preceding~~ IMMEDIATELY BEFORE an annual or special school  
15 election or, if that day is a Saturday, Sunday, or legal holiday,  
16 after 5 p.m. of the next ~~succeeding~~ FOLLOWING day that is not  
17 a Saturday, Sunday, or legal holiday, is not eligible to vote in  
18 the annual or special school election.

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

24       Sec. 1059. (1) Except when the school election is conducted  
25 by city or township officials under section 1053, the SCHOOL  
26 board shall appoint 3 or more ~~school~~ QUALIFIED AND REGISTERED  
27 electors for each voting precinct to serve as the board of

1 election inspectors in that precinct. A MEMBER OF THE BOARD OF  
2 ELECTION INSPECTORS SHALL BE A QUALIFIED AND REGISTERED ELECTOR  
3 OF THE COUNTY IN WHICH THE SCHOOL DISTRICT IS LOCATED OR, IF THE  
4 SCHOOL DISTRICT IS LOCATED IN MORE THAN 1 COUNTY, A QUALIFIED AND  
5 REGISTERED ELECTOR OF ANY COUNTY IN WHICH THE SCHOOL DISTRICT IS  
6 LOCATED. Appointments shall be made at least 10 days before the  
7 date of an election. Each member shall take the constitutional  
8 oath of office and is entitled to administer oaths to persons in  
9 connection with the election. In case of inability or refusal of  
10 an election inspector to act, the SCHOOL board ~~of education~~ may  
11 fill the vacancy. If all members are not present at the time of  
12 opening the polls, the members of the board of election inspec-  
13 tors present may fill vacancies. The ELECTION inspectors, ~~of~~  
14 ~~election,~~ including the ELECTION inspectors of an election con-  
15 ducted by city or township officials, immediately after canvass-  
16 ing the votes shall make their return of the canvas and deliver  
17 the same to the secretary of the SCHOOL board. ~~of education.~~

18 (2) School district elections shall be canvassed in the  
19 manner prescribed in sections 1009 and 1010.