

SENATE BILL No. 1284

May 18, 2000, Introduced by Senator SIKKEMA and referred to the Committee on Government Operations.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 614, 617, and 1066 (MCL 380.614, 380.617,
and 380.1066), section 614 as amended by 1992 PA 263, section 617
as amended by 1989 PA 268, and section 1066 as amended by 1995
PA 289.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 614. (1) Except as provided in section 615, the mem-
2 bers of the intermediate school board shall be elected biennially
3 on the first Monday in June by a body composed of 1 member of the
4 board of each constituent SCHOOL district, who shall be desig-
5 nated by the board of which that person is a member. The secre-
6 tary shall send a notice by certified mail of the hour and place
7 of meeting to the secretary of the board of each constituent
8 district at least 10 days before the meeting. The president and

1 secretary of the intermediate school board shall act as
2 chairperson and secretary.

3 (2) Except as provided in section 703, the term of office of
4 each member elected to the intermediate school board shall be for
5 6 years and shall begin on July 1 following election. Not more
6 than 2 members of the intermediate school board shall be from the
7 same school district unless there are fewer districts than there
8 are positions to be filled.

9 (3) A vacancy shall be filled by the remaining members of
10 the intermediate school board until the next biennial election at
11 which time the vacancy shall be filled for the balance of the
12 unexpired term. Notice of the vacancy shall be filed with the
13 state board within 5 days after the vacancy occurs. If the
14 vacancy is not filled within 30 days after it occurs, the vacancy
15 shall be filled by the state board.

16 (4) A candidate for election to the intermediate school
17 board shall be nominated by petitions that are signed by ~~not~~
18 ~~less than 50 registered~~ A NUMBER OF school electors of the com-
19 bined constituent SCHOOL districts of the intermediate school
20 district DETERMINED IN THE SAME MANNER AS UNDER SECTION 544F OF
21 THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.544F, BASED ON
22 THE POPULATION OF THE INTERMEDIATE SCHOOL DISTRICT. A
23 ~~registered~~ school elector may sign as many petitions as there
24 are vacancies to fill. Nominating petitions and an affidavit as
25 provided in section 558 of the Michigan election law, ~~Act~~
26 ~~No. 116 of the Public Acts of 1954, being section 168.558 of the~~
27 ~~Michigan Compiled Laws~~ 1954 PA 116, MCL 168.558, shall be filed

1 with the secretary of the intermediate school board not later
2 than 30 days before the date of the biennial election UNDER
3 SUBSECTION (1). The secretary shall determine the sufficiency of
4 the petitions and the eligibility of the candidates nominated.
5 The secretary shall provide ballots for the biennial election,
6 listing on the ballots the names of all candidates properly
7 nominated. The chairperson of the biennial election may accept
8 nominations for a vacancy from the floor only if no nominating
9 petitions have been filed for the vacancy. Section 1066 applies
10 to the form and manner of circulation of nominating petitions for
11 a candidate for membership on the intermediate school board.

12 (5) The president shall appoint 2 persons not members of the
13 intermediate SCHOOL board or candidates for election as a board
14 of canvassers and they shall canvass the vote following
15 balloting. This becomes the official canvass.

16 Sec. 617. (1) In an intermediate school district in which
17 sections 615 to 617 are effective, a candidate for the office of
18 member of the intermediate school board shall be nominated by
19 filing nominating petitions and an affidavit as provided in sec-
20 tion 558 of the Michigan election law, ~~Act No. 116 of the Public~~
21 ~~Acts of 1954, being section 168.558 of the Michigan Compiled~~
22 ~~Laws~~ 1954 PA 116, MCL 168.558, with the secretary of the board
23 of the intermediate school district before 4 p.m. of the ninth
24 Monday before the election.

25 (2) The nominating petitions shall be in the form provided
26 in section 1066. Nominating petitions shall contain signatures
27 of school electors who are registered to vote in the city or

1 township in which they reside ~~equal~~ in number ~~to not less than~~
2 ~~1.5% of the combined pupil memberships of the constituent dis-~~
3 ~~tricts on the latest pupil membership count day. A candidate is~~
4 ~~not required to file signatures of more than 5,000 voters~~

5 DETERMINED IN THE SAME MANNER AS UNDER SECTION 544F OF THE
6 MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.544F, BASED ON THE
7 POPULATION OF THE INTERMEDIATE SCHOOL DISTRICT. Each sheet of
8 the petition shall be circulated in 1 city or township only.

9 (3) Within 14 days after the last date for filing, the sec-
10 retary of the intermediate school board shall certify the names
11 and addresses of those candidates whose petitions are found to be
12 sufficient to the secretaries of the boards of the constituent
13 SCHOOL districts. The secretary of the intermediate school board
14 shall certify the number to be elected. The secretary of the
15 intermediate school board shall notify the county clerk of the
16 names and addresses of the candidates not later than 3 days after
17 the last day for candidate withdrawal. However, if the third day
18 is a Saturday, Sunday, or legal holiday, the notice may be sent
19 on the next day that is not a Saturday, Sunday, or legal
20 holiday.

21 (4) The intermediate school board shall provide ballots for
22 the election of members of the intermediate school board and dis-
23 tribute the ballots to the secretaries of each of the constituent
24 SCHOOL districts not less than 20 days before the annual school
25 elections.

26 (5) At the first election, 3 members of an intermediate
27 school board shall be elected for a term of 6 years, 2 for a term

1 of 4 years, and 2 for a term of 2 years. After the first
2 election, their successors shall be elected biennially for terms
3 of 6 years.

4 (6) The intermediate school board of an intermediate school
5 district adopting sections 615 to 617 shall fill a vacancy in the
6 INTERMEDIATE SCHOOL board's membership by appointing a member to
7 serve until the next biennial election, at which time a member
8 shall be elected for the balance of the unexpired term.

9 Sec. 1066. (1) To obtain the printing of the name of a can-
10 didate for member of the SCHOOL board on the ballot, the candi-
11 date shall file nominating petitions and an affidavit as provided
12 in section 558 of the Michigan election law, ~~Act No. 116 of the~~
13 ~~Public Acts of 1954, being section 168.558 of the Michigan~~
14 ~~Compiled Laws~~ 1954 PA 116, MCL 168.558, with the secretary of
15 the SCHOOL board or in the office of the SCHOOL board ~~of~~
16 ~~education~~ not later than 4 p.m. on the ninth Monday before the
17 date of election. A school board holding elections in conjunc-
18 tion with a city election may vary the date of filing nominating
19 petitions to conform with the filing date of the city, as pro-
20 vided in section 644k of ~~Act No. 116 of the Public Acts of 1954,~~
21 ~~being section 168.644k of the Michigan Compiled Laws~~ THE
22 MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.644K.

23 (2) Each petition shall be signed by a number of school
24 electors of the SCHOOL district ~~equal to not less than 1% of the~~
25 ~~total number of votes received by the candidate for member of the~~
26 ~~board of education who received the greatest number of votes at~~
27 ~~the last election at which members of the board of education were~~

1 ~~elected, but the number shall not be less than 20. If a~~
 2 ~~nominating petition contains more than the necessary number of~~
 3 ~~names, the excess over 1% shall not be considered or counted~~
 4 DETERMINED IN THE SAME MANNER AS UNDER SECTION 544F OF THE
 5 MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.544F, BASED ON THE
 6 POPULATION OF THE SCHOOL DISTRICT.

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

9 (4) The petition shall be substantially in the form pre-
 10 scribed in section ~~5446 of Act No. 116 of the Public Acts of~~
 11 ~~1954, being section 168.544c of the Michigan Compiled Laws~~ 544C
 12 OF THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.544C, except
 13 that the petition shall be nonpartisan and shall include the fol-
 14 lowing opening paragraph:

15 We, the undersigned, registered and qualified voters of
 16 _____ and residents of the
 17 (legal name of school district)
 18 _____, the county of _____, state
 19 (city or township)
 20 of Michigan, nominate _____

21 (name of candidate)
 22 _____, a registered
 23 (street address) (post-office address)

24 and qualified elector of the district as a member of the board of
 25 education of the school district for a term of ____ years,
 26 expiring _____, to be voted for at the election to be held on the

1 ____ day of _____, _____.

2 (month) (year)

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

5 (6) Upon the filing of nominating petitions, the secretary
6 of the SCHOOL board shall canvass the petitions to ascertain if
7 the petitions have been signed by the requisite number of school
8 electors, and for the purpose of determining their validity may
9 check doubtful signatures against the registration records by the
10 clerk of the political subdivision in which each petition was
11 circulated to determine the authenticity of the signatures. If
12 it is determined that the nominating petitions of a candidate do
13 not comply with the requirements, including the fact that the
14 candidate does not possess the qualifications as required by law
15 for membership on the SCHOOL board, or if for another cause the
16 candidate is not entitled to have his or her name printed upon
17 official election ballots, the secretary of the SCHOOL board
18 shall notify the candidate immediately. If nominating petitions
19 are filed on behalf of the secretary of the SCHOOL board, the
20 treasurer of the SCHOOL board shall perform the duties of the
21 secretary.

22 (7) After a nominating petition is filed by or on behalf of
23 a proposed candidate for membership on the SCHOOL board, the can-
24 didate shall not be permitted to withdraw unless a written notice
25 of withdrawal, signed by the candidate, is served on the secre-
26 tary of the SCHOOL board or an authorized agent of the secretary
27 of the SCHOOL board not later than 4 p.m. of the third day after

1 the last day for filing the petition. The secretary of the
2 SCHOOL board shall notify the county clerk of the names and
3 addresses of the candidates not later than 3 days after the last
4 date for candidate withdrawal. However, if the third day is a
5 Saturday, Sunday, or legal holiday, the notice may be made on the
6 next ~~secular~~ day THAT IS NOT A SATURDAY, SUNDAY, OR LEGAL
7 HOLIDAY.