

HOUSE BILL No. 4838

May 30, 2001, Introduced by Reps. Gosselin and Drolet and referred to the Committee on Redistricting and Elections.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending sections 614, 616, 617, 661, 701, 705, 1031, and 1066
(MCL 380.614, 380.616, 380.617, 380.661, 380.701, 380.705,
380.1031, and 380.1066), section 614 as amended by 1992 PA 263,
section 617 as amended by 1989 PA 268, section 705 as amended by
1994 PA 258, and section 1031 as added and section 1066 as
amended by 1995 PA 289, and by adding section 1022a.

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~~ TUESDAY in June by a body composed of 1
4 member of the board of each constituent district, who shall be
5 designated by the SCHOOL board of which that person is a member.
6 The secretary shall send a notice by certified mail of the hour

1 and place of meeting to the secretary of the SCHOOL board of each
2 constituent district at least 10 days before the meeting. The
3 president and secretary of the intermediate school board shall
4 act as chairperson and secretary.

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

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

18 (4) A candidate for election to the intermediate school
19 board shall be nominated by petitions that are signed by not less
20 than 50 registered school electors of the combined constituent
21 districts of the intermediate school district. A registered
22 school elector may sign as many petitions as there are vacancies
23 to fill. Nominating petitions and an affidavit as provided in
24 section 558 of the Michigan election law, ~~Act No. 116 of the~~
25 ~~Public Acts of 1954, being section 168.558 of the Michigan~~
26 ~~Compiled Laws~~ 1954 PA 116, MCL 168.558, shall be filed with the
27 secretary of the intermediate school board not later than 30 days

1 before the date of the biennial election. The secretary shall
 2 determine the sufficiency of the petitions and the eligibility of
 3 the candidates nominated. The secretary shall provide ballots
 4 for the biennial election, listing on the ballots the names of
 5 all candidates properly nominated. The chairperson of the bien-
 6 nial election may accept nominations for a vacancy from the floor
 7 only if no nominating petitions have been filed for the vacancy.
 8 Section 1066 applies to the form and manner of circulation of
 9 nominating petitions for a candidate for membership on the inter-
 10 mediate school board.

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

15 Sec. 616. (1) An intermediate school board may submit to
 16 the school electors of the constituent districts comprising the
 17 intermediate school district the question of adoption of sections
 18 615 to 617. The question shall be in substantially the following
 19 form:

20

21 "Shall sections 615 to 617 of the REVISED school code, ~~of~~
 22 ~~1976, as amended,~~ providing for the popular election of members
 23 of the intermediate school board, be effective within the con-
 24 stituent SCHOOL districts of _____ (name of intermediate
 25 school district)?

26 Yes ()

1 No () "

2 (2) The intermediate school board shall submit the question
3 upon receipt of resolutions adopted by a majority of the boards
4 of constituent districts and representing more than 1/2 of the
5 combined memberships of the constituent districts of the interme-
6 diate school district as of the latest pupil membership count
7 day. The resolutions of the constituent district SCHOOL boards
8 shall be adopted between December 1 and the next succeeding March
9 1. The question shall be presented to the school electors of the
10 constituent districts at the next annual election after resolu-
11 tions of constituent district SCHOOL boards meeting the require-
12 ments of this section have been filed with the secretary of the
13 intermediate school board.

14 (3) If a majority of the school electors votes in favor of
15 popular election, members of the intermediate school board shall
16 be elected at the next annual election and biennially thereafter
17 at the annual school elections of the constituent districts. If
18 a constituent district holds its annual election on a date other
19 than the second ~~Monday~~ TUESDAY in June, an election for the
20 purpose of choosing members of the intermediate school board
21 shall be held in that CONSTITUENT district on the second ~~Monday~~
22 TUESDAY in June.

23 (4) An intermediate school district ~~which~~ THAT adopts sec-
24 tions 615 to 617 may in the same manner terminate the popular
25 election of members of the intermediate school board.

26 Sec. 617. (1) In an intermediate school district in which
27 sections 615 to 617 are effective, a candidate for the office of

1 member of the intermediate school board shall be nominated by
2 filing nominating petitions and an affidavit as provided in sec-
3 tion 558 of the Michigan election law, ~~Act No. 116 of the Public~~
4 ~~Acts of 1954, being section 168.558 of the Michigan Compiled~~
5 ~~Laws~~ 1954 PA 116, MCL 168.558, with the secretary of the board
6 of the intermediate school district before 4 p.m. of the ninth
7 ~~Monday~~ TUESDAY before the election.

8 (2) The nominating petitions shall be in the form provided
9 in section 1066. Nominating petitions shall contain signatures
10 of school electors who are registered to vote in the city or
11 township in which they reside equal in number to not less than
12 1.5% of the combined pupil memberships of the constituent dis-
13 tricts on the latest pupil membership count day. A candidate is
14 not required to file signatures of more than 5,000 ~~voters~~
15 SCHOOL ELECTORS. Each sheet of the petition shall be circulated
16 in 1 city or township only.

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

1 (4) The intermediate school board shall provide ballots for
2 the election of members of the intermediate school board and dis-
3 tribute the ballots to the secretaries of each of the constituent
4 districts not less than 20 days before the annual school
5 elections.

6 (5) At the first election, 3 members of an intermediate
7 school board shall be elected for a term of 6 years, 2 for a term
8 of 4 years, and 2 for a term of 2 years. After the first elec-
9 tion, their successors shall be elected biennially for terms of 6
10 years.

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

16 Sec. 661. (1) The intermediate school board may submit
17 questions to the school electors of the intermediate school dis-
18 trict at an annual or special election held in each of the con-
19 stituent districts. A question shall not be submitted to the
20 intermediate school electors unless the question is within the
21 lawful authority of the electors of the intermediate school dis-
22 trict to decide.

23 (2) A person who is a school elector of a constituent dis-
24 trict of an intermediate school district and who is registered in
25 the city or township in which that person resides is an
26 INTERMEDIATE SCHOOL elector of that intermediate school
27 district.

1 (3) If a question is submitted to intermediate school
2 electors at an annual school election, and a constituent district
3 does not hold its annual SCHOOL election on the second ~~Monday~~
4 TUESDAY of June, the intermediate school board shall call a spe-
5 cial election in that constituent district to be held on the same
6 date as the annual school election.

7 (4) The secretary ~~shall be~~ IS the chief election officer
8 of the intermediate school district with authority to delegate
9 election duties to a member of the administrative staff.

10 Sec. 701. (1) Two or more adjoining intermediate school
11 districts may combine to form a single intermediate school dis-
12 trict when the reorganization is approved by a majority of the
13 electors of each intermediate school district voting on the ques-
14 tion in the annual elections of the constituent districts.

15 (2) The question of combining intermediate school districts
16 may be submitted by a resolution of the intermediate school
17 boards meeting in joint session.

18 (3) The question shall be submitted when petitions signed by
19 a number of school electors of each intermediate school district
20 equal to not less than 5% of the number of pupil memberships on
21 the latest pupil membership count day of the combined constituent
22 districts of the intermediate school district are filed with the
23 secretary of 1 of the intermediate school boards. Within 30 days
24 after receiving sufficient petitions, the secretary shall apply
25 for approval to the ~~state board~~ SUPERINTENDENT OF PUBLIC
26 INSTRUCTION. The secretary shall cause the question to be

1 submitted at the next annual school election after the ~~state~~
2 ~~board~~ SUPERINTENDENT OF PUBLIC INSTRUCTION approves the merger.

3 (4) The ballots shall be furnished by each intermediate
4 school board for its constituent districts and shall be in sub-
5 stantially the following form:

6

7 "Shall the following intermediate school districts be orga-
8 nized as a single intermediate school district?

9 (List names of intermediate school districts)

10 Yes ()

11 No ()"

12 (5) If the consolidation is approved by a majority of the
13 school electors voting on the question in each of the participat-
14 ing intermediate school districts, the reorganization shall
15 become effective in the combined intermediate school districts 30
16 days after the annual election at which the question is
17 submitted. The reorganized intermediate school district shall be
18 a single intermediate school district subject to this part.

19 (6) The members of the intermediate school boards of the
20 original intermediate school districts shall act as an interim
21 board until a board of the combined intermediate school district
22 is elected. The interim board shall possess all the powers and
23 duties of an intermediate school board under this part. The
24 person chosen by the interim intermediate school board as inter-
25 mediate superintendent shall serve only until a successor is
26 chosen by the elected intermediate school board. The secretary
27 of the intermediate school board having the largest number of

1 pupils in membership in its combined constituent districts at the
2 time of reorganization shall call a meeting of the members of the
3 interim intermediate school board for the purpose of organization
4 within 15 days after the effective date of the reorganization.

5 The secretary of the interim intermediate school board shall pro-
6 vide for the election of a board of the reorganized intermediate
7 school district under section 617. At the first election there
8 shall be elected 3 members of a board for 6 years, 2 for 4 years,
9 and 2 for 2 years. Their successors shall be elected biennially
10 on the first ~~Monday~~ TUESDAY of June for terms of 6 years. The
11 time from the date of election to the next July 1 shall be con-
12 sidered 1 year.

13 (7) The reorganized intermediate school district shall oper-
14 ate as a single intermediate school district from the effective
15 date of the reorganization. Within 10 days after the reorganiza-
16 tion, all accounts of the reorganized intermediate school dis-
17 tricts shall be audited in the manner established by the interim
18 intermediate school board. The contracts of the intermediate
19 superintendents in force on the effective date of reorganization
20 shall continue in effect to time of their termination except as
21 to position as intermediate superintendents.

22 (8) If, ~~prior to~~ BEFORE reorganization of the intermediate
23 school districts, each of the combining intermediate school dis-
24 tricts adopted special education programs by referendum pursuant
25 to part 30 and approved the same annual property tax rates for
26 the education of handicapped persons, the special education

1 programs and the annual property tax rates shall continue in
2 effect in the reorganized intermediate school district.

3 Sec. 705. (1) Beginning in 1997 and each year after 1997, a
4 regional enhancement property tax may be levied by an intermedi-
5 ate school district at a rate not to exceed 3 mills to enhance
6 other state and local funding for local school district opera-
7 tions if approved by a majority of the intermediate school elec-
8 tors voting on the question.

9 (2) If a resolution requesting that the question of a
10 regional enhancement property tax be submitted to the voters is
11 adopted within a 180-day period and transmitted to the intermedi-
12 ate school board by 1 or more boards of its constituent ~~school~~
13 districts representing a majority of the combined membership of
14 the constituent ~~school~~ districts as of the most recent pupil
15 membership count day and if those resolutions all contain an
16 identical specified number of mills to be levied under this sec-
17 tion and an identical specified number of years for which the tax
18 shall be levied, the question of levying a regional enhancement
19 property tax by the intermediate school district shall be placed
20 on the ballot by the intermediate school district at the next
21 annual school election held in each of the constituent
22 districts. However, if the question is to be submitted at an
23 annual school election and a constituent district does not hold
24 its annual election on the second ~~Monday~~ TUESDAY in June, the
25 intermediate school board shall call a special election in that
26 constituent district to be held on the same day as the annual
27 school election. If the question is to be submitted to the

1 intermediate school electors of an intermediate school district
2 having a population of more than 1,400,000, the intermediate
3 school board shall call a special election to be held at the next
4 state primary or general election. However, if the resolution
5 requirement is met more than 180 days before the next annual
6 school district elections to be held on the second ~~Monday~~
7 TUESDAY in June, and if requested in the resolutions, the inter-
8 mediate school board shall submit the question of levying a
9 regional enhancement property tax within the intermediate school
10 district on the ballot at a special election under section 662
11 called by the intermediate school board for that purpose not ear-
12 lier than 90 days or later than 120 days after the resolution
13 requirements are met.

14 (3) Not later than 10 days after receipt by the intermediate
15 school district of the revenue from the regional enhancement
16 property tax, the intermediate school district shall calculate
17 and pay to each of its constituent ~~school~~ districts an amount
18 of the revenue calculated by dividing the total amount of the
19 revenue by the combined membership of the constituent ~~school~~
20 districts within the intermediate district, as of the most recent
21 pupil membership count day, and multiplying that quotient by the
22 constituent ~~school~~ district's membership, as of the most recent
23 pupil membership count day for which a final department-audited
24 pupil count is available.

25 (4) Regional enhancement property tax under this section may
26 be levied for a term not to exceed 20 years, as specified in the
27 ballot question, and may be renewed for the same term with the

1 approval of a majority of the intermediate school electors voting
2 on the question.

3 (5) The question of levying a regional enhancement property
4 tax under this section shall be presented to the intermediate
5 school electors as a separate question.

6 SEC. 1022A. A SCHOOL DISTRICT, LOCAL ACT SCHOOL DISTRICT,
7 OR INTERMEDIATE SCHOOL DISTRICT SPECIAL ELECTION SHALL BE HELD ON
8 A TUESDAY.

9 Sec. 1031. (1) Each general powers school district shall
10 ~~continue to hold its regular election on the same date the elec-~~
11 ~~tion was held before the effective date of this section or shall~~
12 hold its regular election on 1 of the following dates determined
13 by the board by a resolution adopted at least 6 months before the
14 proposed new election date:

15 (a) Annually or biennially on the first ~~Monday~~ TUESDAY in
16 April.

17 (b) Annually or biennially on the second ~~Monday~~ TUESDAY in
18 June.

19 (c) Annually or biennially at the same time as the November
20 general election.

21 (2) The school electors shall elect members of the board at
22 the school district's regular election.

23 Sec. 1066. (1) To obtain the printing of the name of a can-
24 didate for member of the SCHOOL board on the ballot, the candi-
25 date shall file nominating petitions and an affidavit as provided
26 in section 558 of the Michigan election law, ~~Act No. 116 of the~~
27 ~~Public Acts of 1954, being section 168.558 of the Michigan~~

1 ~~Compiled Laws~~ 1954 PA 116, MCL 168.558, with the secretary of
2 the SCHOOL board or in the office of the SCHOOL board ~~of~~
3 ~~education~~ not later than 4 p.m. on the ninth ~~Monday~~ TUESDAY
4 before the date of election. A school board holding elections in
5 conjunction with a city election may vary the date of filing nom-
6 inating petitions to conform with the filing date of the city, as
7 provided in section 644k of ~~Act No. 116 of the Public Acts of~~
8 ~~1954, being section 168.644k of the Michigan Compiled Laws~~ THE
9 MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.644K.

10 (2) Each petition shall be signed by a number of school
11 electors of the SCHOOL district equal to not less than 1% of the
12 total number of votes received by the candidate for member of the
13 SCHOOL board ~~of education~~ who received the greatest number of
14 votes at the last election at which members of the SCHOOL board
15 ~~of education~~ were elected, but the number shall not be less
16 than 20. If a nominating petition contains more than the neces-
17 sary number of names, the excess over 1% shall not be considered
18 or counted.

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

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

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

19 Enacting section 1. This amendatory act does not take
20 effect unless Senate Bill No. _____ or House Bill No. _____
21 (request no. 03198'01) of the 91st Legislature is enacted into
22 law.