

HOUSE BILL No. 4494

March 15, 2005, Introduced by Reps. Spade, Mortimer, Plakas, Sheltroun, Polidori, Miller, Byrnes, Wojno, Angerer, Clemente, Dillon, Mayes, Anderson, Leland, Alma Smith, McDowell, Espinoza, Condino, Gleason, Gillard, Caswell, Zelenko, Clack, Kathleen Law, Kolb, Kehrl, Brown, Shaffer, Hopgood, Farrah, Meisner, Bieda and Vagnozzi and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 614 (MCL 380.614), as amended by 2004 PA 419.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 614. (1) Except as provided in section 615 and subject to
2 section 642 of the Michigan election law, MCL 168.642, the members
3 of the intermediate school board shall be elected biennially on the
4 first Monday in June by an electoral body composed of 1 person
5 designated by the board of each constituent school district.

6 (2) The board of a constituent district shall designate its
7 representative to this electoral body by resolution adopted not
8 earlier than ~~21~~ 38 days before the date of this biennial
9 election. The board shall consider the resolution at not less than
10 1 public meeting before adopting the resolution. The resolution

1 shall be adopted by majority vote of the members serving on the
2 board. In its resolution designating its representative, the board
3 of a constituent district shall identify the candidate the board
4 supports for each position to be filled on the intermediate school
5 board and shall direct its representative to vote for that
6 individual or individuals at least on the first ballot taken by the
7 electoral body. The secretary of the intermediate school board
8 shall send a notice by certified mail of the hour and place of the
9 meeting of the electoral body described in subsection (1) to the
10 secretary of the board of each constituent school district at least
11 10 days before the meeting. The president and secretary of the
12 intermediate school board shall act as chairperson and secretary at
13 the meeting. The meeting of the electoral body shall be an open
14 meeting conducted in the manner prescribed under the open meetings
15 act, 1976 PA 267, MCL 15.261 to 15.275.

16 (3) Except as provided in section 703, the term of office of
17 each member elected to the intermediate school board is 6 years and
18 begins on July 1 following election. Not more than 2 members of the
19 intermediate school board shall be from the same school district
20 unless there are fewer districts than there are positions to be
21 filled.

22 (4) A vacancy shall be filled by the remaining members of the
23 intermediate school board until the next biennial election at which
24 time the vacancy shall be filled for the balance of the unexpired
25 term. Notice of the vacancy shall be filed with the state board
26 within 5 days after the vacancy occurs. If the vacancy is not
27 filled within 30 days after it occurs, the vacancy shall be filled

1 by the state board.

2 (5) Subject to subsection (7), a candidate for election to the
3 intermediate school board shall be nominated by petitions that are
4 signed by a number of school electors of the combined constituent
5 school districts of the intermediate school district, as follows:

6 (a) If the population of the intermediate school district is
7 less than 10,000 according to the most recent federal census, a
8 minimum of 6 and a maximum of 20.

9 (b) If the population of the intermediate school district is
10 10,000 or more according to the most recent federal census, a
11 minimum of 40 and a maximum of 100.

12 (6) A school elector may sign as many petitions as there are
13 vacancies to fill. Nominating petitions and an affidavit as
14 provided in section 558 of the Michigan election law, 1954 PA 116,
15 MCL 168.558, shall be filed with the school district filing
16 official not later than 30 days before the date of the biennial
17 election under subsection (1). The school district filing official
18 shall determine the sufficiency of the petitions and the
19 eligibility of the candidates nominated. The school district filing
20 official shall provide ballots for the biennial election, listing
21 on the ballots the names of all candidates properly nominated. The
22 chairperson of the biennial election meeting may accept nominations
23 for a vacancy from the floor only if no nominating petitions have
24 been filed for the vacancy.

25 (7) Instead of filing nominating petitions, a candidate for
26 election to the intermediate school board may pay a nonrefundable
27 filing fee of \$100.00 to the school district filing official. If

1 this fee is paid by the due date for nominating petitions, the
2 payment has the same effect under this section as the filing of
3 nominating petitions.