

SENATE BILL NO. 290

February 10, 1999, Introduced by Senators MC MANUS, BENNETT, STEIL, SCHUETTE, SCHWARZ, NORTH, MILLER, MC COTTER, JAYE, YOUNG, HOFFMAN, BULLARD, SIKKEMA, LELAND, HART, MURPHY, SHUGARS and GOSCHKA and referred to the Committee on Government Operations.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
(MCL 168.1 to 168.992) by adding section 17 and chapter XIV.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 17. AS USED IN THIS ACT:

2 (A) "SCHOOL BOARD" MEANS THE GOVERNING BODY OF A SCHOOL
3 DISTRICT.

4 (B) "SCHOOL BOARD MEMBER" MEANS A PERSON HOLDING THE OFFICE
5 OF SCHOOL BOARD MEMBER PURSUANT TO THIS ACT. SCHOOL BOARD MEMBER
6 DOES NOT INCLUDE A SCHOOL BOARD MEMBER OF AN INTERMEDIATE SCHOOL
7 DISTRICT UNLESS THAT INTERMEDIATE SCHOOL DISTRICT HAS ADOPTED
8 SECTIONS 615 TO 617 OF THE REVISED SCHOOL CODE, 1976 PA 451, MCL
9 380.615 TO 380.617.

10 (C) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT, A LOCAL ACT
11 SCHOOL DISTRICT, OR AN INTERMEDIATE SCHOOL DISTRICT, AS THOSE

1 TERMS ARE DEFINED IN THE REVISED SCHOOL CODE, 1976 PA 451, MCL
2 380.1 TO 380.1852.

3 (D) "NOVEMBER SCHOOL ELECTION" MEANS THE ELECTION HELD TO
4 ELECT MEMBERS TO SCHOOL BOARDS AND THE STATE BOARD OF EDUCATION
5 ON THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER IN
6 EACH ODD NUMBERED YEAR.

7 CHAPTER XIV.

8 ~~SUPERINTENDENT OF PUBLIC INSTRUCTION AND STATE~~

9 ~~HIGHWAY COMMISSIONER~~

10 SCHOOL ELECTIONS

11 SEC. 301. (1) A PERSON IS ELIGIBLE TO BE ELECTED TO THE
12 OFFICE OF SCHOOL BOARD MEMBER IF THE PERSON IS A CITIZEN OF THE
13 UNITED STATES AND IS A QUALIFIED AND REGISTERED ELECTOR OF THE
14 SCHOOL DISTRICT HE OR SHE SEEKS TO REPRESENT.

15 (2) THE TERM OF OFFICE FOR SCHOOL BOARD MEMBER IS 4 YEARS,
16 COMMENCING AT 12 NOON ON THE JANUARY 1 IMMEDIATELY FOLLOWING HIS
17 OR HER ELECTION. EXCEPT AS OTHERWISE PROVIDED IN SECTION 308, A
18 SCHOOL BOARD MEMBER'S TERM OF OFFICE CONTINUES UNTIL A SUCCESSOR
19 IS ELECTED AND QUALIFIED.

20 SEC. 302. (1) TO OBTAIN THE PRINTING OF THE NAME OF A
21 PERSON AS A CANDIDATE FOR THE OFFICE OF SCHOOL BOARD MEMBER UPON
22 THE OFFICIAL BALLOTS IN THE VARIOUS ELECTION PRECINCTS OF A
23 SCHOOL DISTRICT, THE CANDIDATE SHALL FILE AN AFFIDAVIT AS
24 REQUIRED IN SECTION 558 AND NOMINATING PETITIONS SIGNED BY A
25 NUMBER OF QUALIFIED AND REGISTERED ELECTORS RESIDING IN THE
26 SCHOOL DISTRICT EQUAL TO NOT LESS THAN 1% OR MORE THAN 2% OF THE
27 TOTAL NUMBER OF VOTES CAST IN THE SCHOOL DISTRICT FOR THE SCHOOL

1 BOARD MEMBER WHO RECEIVED THE GREATEST NUMBER OF VOTES AT THE
2 LAST ELECTION IN WHICH A SCHOOL BOARD MEMBER WAS ELECTED TO
3 OFFICE. HOWEVER, THE NUMBER OF SIGNATURES ON THE PETITION SHALL
4 NOT BE LESS THAN 20.

5 (2) IF THE SCHOOL DISTRICT COMPRISES MORE THAN 1 COUNTY,
6 CITY, OR TOWNSHIP, THE CANDIDATE SHALL FILE THE NOMINATING PETI-
7 TIONS AND AFFIDAVIT WITH THE COUNTY CLERK OF THE COUNTY OF THAT
8 CANDIDATE'S RESIDENCE. IF THE SCHOOL DISTRICT COMPRISES 1 CITY
9 OR TOWNSHIP OR LESS, THE CANDIDATE SHALL FILE THE NOMINATING
10 PETITIONS AND AFFIDAVIT WITH THE CLERK OF THAT CITY OR TOWNSHIP.

11 (3) NOMINATING PETITIONS UNDER THIS SECTION SHALL BE IN THE
12 FORM PRESCRIBED IN SECTION 544A. EXCEPT AS OTHERWISE PROVIDED IN
13 THIS SUBSECTION, A COUNTY, CITY, OR TOWNSHIP CLERK SHALL RECEIVE
14 NOMINATING PETITIONS FOR FILING UNDER THIS CHAPTER UP TO 4 P.M.
15 OF THE THIRTIETH DAY BEFORE THE DATE OF THE ELECTION. IF THE
16 THIRTIETH DAY BEFORE THE ELECTION FALLS ON A SATURDAY, SUNDAY, OR
17 LEGAL HOLIDAY, THE CLERK SHALL RECEIVE NOMINATING PETITIONS FOR
18 FILING UNDER THIS CHAPTER UP TO 4 P.M. OF THE NEXT BUSINESS DAY.

19 SEC. 303. AFTER THE FILING OF A NOMINATING PETITION BY OR
20 ON BEHALF OF A PROPOSED CANDIDATE FOR THE OFFICE OF SCHOOL BOARD
21 MEMBER, THE CANDIDATE SHALL NOT BE PERMITTED TO WITHDRAW UNLESS A
22 WRITTEN NOTICE OF WITHDRAWAL IS SERVED ON THE FILING OFFICIAL
23 WITH WHOM HIS OR HER NOMINATING PETITIONS WERE FILED, OR THE
24 FILING OFFICIAL'S AUTHORIZED AGENT, ON OR BEFORE 4 P.M. OF THE
25 THIRD DAY AFTER THE LAST DAY FOR FILING NOMINATING PETITIONS.
26 HOWEVER, IF THE THIRD DAY FALLS ON A SATURDAY, SUNDAY, OR LEGAL
27 HOLIDAY, A WRITTEN NOTICE OF WITHDRAWAL IS EFFECTIVE IF SERVED ON

1 THE APPROPRIATE PERSON AS PROVIDED IN THIS SUBSECTION ON OR
2 BEFORE 4 P.M. OF THE NEXT BUSINESS DAY.

3 SEC. 304. AT LEAST 1 SCHOOL BOARD MEMBER IN EACH SCHOOL
4 DISTRICT SHALL BE ELECTED TO OFFICE IN EACH NOVEMBER SCHOOL
5 ELECTION.

6 SEC. 305. THE APPROPRIATE BOARD OF CANVASSERS AS PRESCRIBED
7 IN SECTION 24A OR 30A SHALL CANVASS THE VOTES FOR CANDIDATES FOR
8 THE OFFICE OF SCHOOL BOARD MEMBER IN THE NOVEMBER SCHOOL ELECTION
9 IN EACH SCHOOL DISTRICT. THE NUMBER OF CANDIDATES FOR THE OFFICE
10 OF SCHOOL BOARD MEMBER EQUAL TO THE NUMBER OF PERSONS TO BE
11 ELECTED WHO RECEIVE THE GREATEST NUMBER OF VOTES CAST AT THE
12 ELECTION, AS SET FORTH IN THE REPORT OF THE BOARD OF CANVASSERS
13 CANVASSING THE VOTES, BASED UPON THE RETURNS FROM THE VARIOUS
14 ELECTION PRECINCTS OR AS DETERMINED BY THE BOARD OF CANVASSERS AS
15 A RESULT OF A RECOUNT, SHALL BE DECLARED ELECTED TO THE OFFICE OF
16 SCHOOL BOARD MEMBER. UPON COMPLETION OF THE CANVASS, THE BOARD
17 OF CANVASSERS SHALL MAKE A STATEMENT OF RETURNS AND CERTIFY THE
18 ELECTION OF SCHOOL BOARD MEMBERS TO THE APPROPRIATE FILING OFFI-
19 CIAL WHO RECEIVED THE NOMINATING PETITIONS IN THAT SCHOOL DIS-
20 TRICT UNDER SECTION 302.

21 SEC. 306. THE OFFICIAL WHO RECEIVES THE CERTIFICATION OF
22 THE BOARD OF CANVASSERS UNDER SECTION 305 SHALL FILE IN HIS OR
23 HER OFFICE AND PRESERVE THE ORIGINAL STATEMENT OF RETURNS AND
24 CERTIFICATION OF THE BOARD OF CANVASSERS OF THE RESULT OF THE
25 ELECTION. THE OFFICIAL SHALL IMMEDIATELY EXECUTE AND CAUSE TO BE
26 DELIVERED TO THE PERSONS DECLARED ELECTED TO THE OFFICE OF SCHOOL

1 BOARD MEMBER A CERTIFICATE OF ELECTION, CERTIFIED BY THE
2 OFFICIAL.

3 SEC. 307. A PERSON ELECTED TO THE OFFICE OF SCHOOL BOARD
4 MEMBER, BEFORE ENTERING UPON THE DUTIES OF HIS OR HER OFFICE,
5 SHALL TAKE AND SUBSCRIBE TO THE OATH PROVIDED IN SECTION 1 OF
6 ARTICLE XI OF THE STATE CONSTITUTION OF 1963.

7 SEC. 308. THE OFFICE OF A SCHOOL BOARD MEMBER SHALL BECOME
8 VACANT IMMEDIATELY, WITHOUT DECLARATION BY AN OFFICER OR ACCEP-
9 TANCE BY THE SCHOOL BOARD OR 1 OF ITS MEMBERS, UPON ANY OF THE
10 FOLLOWING EVENTS:

11 (A) THE DEATH OF THE SCHOOL BOARD MEMBER.

12 (B) THE SCHOOL BOARD MEMBER'S BEING ADJUDICATED INSANE OR
13 BEING FOUND TO BE MENTALLY INCOMPETENT BY A COURT OF COMPETENT
14 JURISDICTION.

15 (C) THE SCHOOL BOARD MEMBER'S RESIGNATION.

16 (D) THE SCHOOL BOARD MEMBER'S REMOVAL FROM OFFICE.

17 (E) THE SCHOOL BOARD MEMBER'S CONVICTION OF A FELONY.

18 (F) THE SCHOOL BOARD MEMBER'S ELECTION OR APPOINTMENT BEING
19 DECLARED VOID BY A COMPETENT TRIBUNAL.

20 (G) THE SCHOOL BOARD MEMBER'S NEGLECT OR FAILURE TO FILE THE
21 ACCEPTANCE OF OFFICE, TO TAKE THE OATH OF OFFICE, OR TO GIVE OR
22 RENEW AN OFFICIAL BOND REQUIRED BY LAW.

23 (H) THE FAILURE OF THE SCHOOL DISTRICT TO ELECT A SUCCESSOR
24 AT THE NOVEMBER SCHOOL ELECTION.

25 (I) THE SCHOOL BOARD MEMBER CEASING TO POSSESS THE LEGAL
26 QUALIFICATIONS FOR HOLDING OFFICE.

1 (J) THE SCHOOL BOARD MEMBER'S RESIDENCE BEING REMOVED FROM
2 THE SCHOOL DISTRICT.

3 SEC. 309. (1) IF A VACANCY OCCURS IN THE OFFICE OF SCHOOL
4 BOARD MEMBER AS PROVIDED IN SECTION 308, THE VACANCY SHALL BE
5 FILLED WITHIN 45 DAYS BY ELECTION OF A QUALIFIED AND REGISTERED
6 ELECTOR OF THE SCHOOL DISTRICT BY A MAJORITY OF THE REMAINING
7 MEMBERS OF THE SCHOOL BOARD. THE PERSON ELECTED BY THE SCHOOL
8 BOARD UNDER THIS SUBSECTION SHALL HOLD THE OFFICE OF SCHOOL BOARD
9 MEMBER UNTIL THE NEXT NOVEMBER SCHOOL ELECTION. THE SCHOOL BOARD
10 SHALL CAUSE THE REMAINDER OF THE TERM OF THE VACANCY TO BE FILLED
11 BY SPECIAL ELECTION HELD IN CONJUNCTION WITH THE NOVEMBER SCHOOL
12 ELECTION. THE PERSON ELECTED AT THE NOVEMBER SCHOOL ELECTION TO
13 FILL A VACANCY UNDER THIS SUBSECTION SHALL HOLD THE OFFICE OF
14 SCHOOL BOARD MEMBER FOR THE FULL REMAINDER OF THE TERM OF THE
15 FORMER MEMBER.

16 (2) IF THE REMAINING MEMBERS OF THE SCHOOL BOARD FAIL TO
17 FILL A VACANCY AS REQUIRED UNDER SUBSECTION (1), THE SCHOOL BOARD
18 SHALL CAUSE THE VACANCY TO BE FILLED AT THE NEXT NOVEMBER SCHOOL
19 ELECTION BY SPECIAL ELECTION HELD IN CONJUNCTION WITH THAT
20 ELECTION. THE PERSON ELECTED TO FILL A VACANCY UNDER THIS SUB-
21 SECTION SHALL HOLD THE OFFICE OF SCHOOL BOARD MEMBER FOR THE FULL
22 REMAINDER OF THE TERM OF THE FORMER MEMBER.

23 (3) UNTIL A VACANCY IS FILLED UNDER THIS SECTION, THE
24 REMAINING MEMBERS OF THE SCHOOL BOARD HAVE ALL OF THE POWERS AND
25 DUTIES ESTABLISHED BY LAW.

26 SEC. 310. THE VOTES CAST FOR A CANDIDATE FOR THE OFFICE OF
27 SCHOOL BOARD MEMBER OR ON A QUESTION SUBMITTED TO THE VOTERS AT A

1 SCHOOL ELECTION ARE SUBJECT TO RECOUNT AS PROVIDED IN
2 CHAPTER XXXIIII.

3 SEC. 311. A PERSON ELECTED TO THE OFFICE OF SCHOOL BOARD
4 MEMBER IS SUBJECT TO RECALL AS PROVIDED IN CHAPTER XXXVI AND IN
5 SECTION 8 OF ARTICLE II OF THE STATE CONSTITUTION OF 1963.

6 SEC. 315. (1) A SCHOOL BOARD MAY SUBMIT A QUESTION TO THE
7 VOTE OF THE REGISTERED ELECTORS OF THE SCHOOL DISTRICT AS PRO-
8 VIDED IN THIS SECTION. EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED
9 BY LAW, THE SCHOOL BOARD SHALL SUBMIT A QUESTION TO THE VOTE OF
10 THE REGISTERED ELECTORS OF THE SCHOOL DISTRICT AS PROVIDED IN
11 THIS SECTION UPON RECEIPT OF PETITIONS SIGNED BY 5% OR MORE OF
12 THE REGISTERED ELECTORS OF THE SCHOOL DISTRICT, BUT THE NUMBER
13 SHALL NOT BE LESS THAN 25.

14 (2) UPON DECISION OF THE SCHOOL BOARD TO SUBMIT A QUESTION
15 TO THE VOTE OF THE REGISTERED ELECTORS OF THE SCHOOL DISTRICT OR
16 DETERMINATION BY THE SCHOOL BOARD THAT A PETITION MEETS THE
17 LAWFUL SIGNATURE REQUIREMENTS, THE QUESTION SHALL BE SUBMITTED TO
18 THE REGISTERED ELECTORS OF THE SCHOOL DISTRICT AT A SPECIAL ELEC-
19 TION HELD ON 1 OF THE FOLLOWING ELECTION DATES:

20 (A) THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN APRIL.

21 (B) THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN AUGUST.

22 (C) THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN
23 NOVEMBER.

24 (3) THE SCHOOL BOARD SHALL CALL A SPECIAL ELECTION UNDER
25 THIS SECTION BY GIVING THE REQUIRED LEGAL NOTICE.

26 (4) A SCHOOL BOARD SHALL NOT SUBMIT A QUESTION TO THE VOTE
27 OF THE QUALIFIED ELECTORS OF THE SCHOOL DISTRICT UNLESS THE

1 QUESTION TO BE VOTED UPON IS WITHIN THE LAWFUL AUTHORITY OF THE
2 QUALIFIED ELECTORS OF THAT SCHOOL DISTRICT TO DECIDE. A SCHOOL
3 BOARD SHALL NOT SUBMIT A QUESTION TO THE VOTE OF THE QUALIFIED
4 ELECTORS OF THE SCHOOL DISTRICT UNLESS THE QUESTION TO BE VOTED
5 UPON IS STATED IN THE NOTICE OF THE ELECTION.

6 SEC. 316. (1) IF A SCHOOL BOARD CALLS A SPECIAL ELECTION TO
7 SUBMIT A QUESTION TO THE REGISTERED ELECTORS OF THE SCHOOL DIS-
8 TRICT AS PROVIDED IN SECTION 315, THE SCHOOL DISTRICT SHALL PAY
9 TO EACH COUNTY, CITY, AND TOWNSHIP CONDUCTING THE SPECIAL ELEC-
10 TION FOR THAT SCHOOL DISTRICT AN AMOUNT DETERMINED BY THIS
11 SECTION.

12 (2) IF THE SPECIAL ELECTION CALLED BY THE SCHOOL BOARD IS
13 HELD IN CONJUNCTION WITH ANOTHER ELECTION HELD IN THE COUNTY,
14 CITY, OR TOWNSHIP, THE SCHOOL DISTRICT SHALL PAY TO THE COUNTY,
15 CITY, OR TOWNSHIP 100% OF THE ACTUAL COSTS OF CONDUCTING THE SPE-
16 CIAL ELECTION CALLED BY THE SCHOOL BOARD. IF THE SPECIAL ELEC-
17 TION CALLED BY THE SCHOOL BOARD IS NOT HELD IN CONJUNCTION WITH
18 ANY OTHER ELECTION HELD IN THE COUNTY, CITY, OR TOWNSHIP, THE
19 SCHOOL DISTRICT SHALL PAY TO THE COUNTY, CITY, OR TOWNSHIP 105%
20 OF THE ACTUAL COSTS OF CONDUCTING THE SPECIAL ELECTION CALLED BY
21 THE SCHOOL BOARD.

22 (3) THE COUNTY, CITY, OR TOWNSHIP SHALL PRESENT TO THE
23 SCHOOL DISTRICT A VERIFIED ACCOUNT OF ACTUAL COSTS OF CONDUCTING
24 THE SPECIAL ELECTION CALLED BY THE SCHOOL BOARD NOT LATER THAN
25 THE NINETIETH DAY FOLLOWING THE DATE OF THE ELECTION. THE SCHOOL
26 BOARD SHALL PAY OR DISAPPROVE ALL OR A PORTION OF THE VERIFIED
27 ACCOUNT BEFORE THE EXPIRATION OF 90 DAYS AFTER THE SCHOOL

1 DISTRICT RECEIVES A VERIFIED ACCOUNT OF ACTUAL COSTS UNDER THIS
2 SUBSECTION.

3 (4) IF THE SCHOOL BOARD DISAPPROVES ALL OR A PORTION OF A
4 VERIFIED ACCOUNT OF ACTUAL COSTS UNDER SUBSECTION (3), THE SCHOOL
5 BOARD SHALL SEND A NOTICE OF DISAPPROVAL ALONG WITH THE REASONS
6 FOR THE DISAPPROVAL TO THE COUNTY, CITY, OR TOWNSHIP. UPON
7 REQUEST OF A COUNTY, CITY, OR TOWNSHIP WHOSE VERIFIED ACCOUNT OR
8 PORTION OF A VERIFIED ACCOUNT WAS DISAPPROVED UNDER THIS SECTION,
9 THE SCHOOL BOARD SHALL REVIEW THE DISAPPROVED COSTS WITH THE
10 COUNTY, CITY, OR TOWNSHIP.

11 (5) SCHOOL BOARDS, COUNTIES, CITIES, AND TOWNSHIPS SHALL USE
12 THE AGREEMENT ON WHAT CONSTITUTES VALID COSTS OF CONDUCTING AN
13 ELECTION MADE PURSUANT TO SECTION 487(2) AS A BASIS FOR PREPARING
14 AND EVALUATING VERIFIED ACCOUNTS UNDER THIS SECTION. THE SECRE-
15 TARY OF STATE SHALL ASSIST SCHOOL BOARDS, COUNTIES, CITIES, AND
16 TOWNSHIPS IN PREPARING AND EVALUATING VERIFIED ACCOUNTS UNDER
17 THIS SECTION.

18 SEC. 320. THE PROVISIONS OF THIS ACT APPLICABLE TO THE CON-
19 DUCT OF ELECTIONS SHALL BE APPLICABLE AS NEAR AS POSSIBLE IN ALL
20 RESPECTS TO A GENERAL OR SPECIAL ELECTION CONDUCTED UNDER THIS
21 CHAPTER, UNLESS OTHERWISE SPECIFICALLY PROVIDED TO THE CONTRARY.