

HOUSE BILL No. 4414
(As passed the Senate, June 27, 2002)

March 6, 2001, Introduced by Reps. Birkholz, Ehardt, Bernero, Vander Veen, Voorhees, Middaugh, George, Toy, Caul, Godchaux, DeVuyst and Mortimer and referred to the Committee on Redistricting and Elections.

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

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

7 Yes ()

8 No ()"

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

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

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

25 (5) Each member of a board of election inspectors shall take
26 the constitutional oath of office before entering on the duties
27 of an election inspector.

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

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

22 Sec. 1053. (1) The board of a school district situated
23 wholly or partly in a city or township, by agreement with the
24 governing body of the city or township, may use the registration
25 records of the city or township at an election held by the school
26 district on terms and conditions, including the payment of the
27 necessary expenses of an election, agreed upon by the school

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

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

25 (3) The agreement to use the registration records of the
26 city or township for school elections and for conducting the
27 school elections by the city or township officials shall be

1 continuing and shall be terminated only on 12 months' notice by
2 either party.

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

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

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

21 Sec. 1059. (1) Except when the school election is conducted
22 by city or township officials under section 1053, the SCHOOL
23 board shall appoint 3 or more ~~school~~ QUALIFIED AND REGISTERED
24 electors for each voting precinct to serve as the board of elec-
25 tion inspectors in that precinct. A MEMBER OF THE BOARD OF ELEC-
26 TION INSPECTORS SHALL BE A QUALIFIED AND REGISTERED ELECTOR OF
27 THE COUNTY IN WHICH THE SCHOOL DISTRICT IS LOCATED OR, IF THE

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

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