

SB 385, As Passed Senate, November 1, 2001

**SUBSTITUTE FOR
SENATE BILL NO. 385**

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

SB 385, As Passed Senate, November 1, 2001

Senate Bill No. 385

2

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~~ SUBJECT TO SUBSECTION (6), A candidate for election
17 to the intermediate school board shall be nominated by petitions
18 that are signed by ~~not less than 50 registered~~ A NUMBER OF
19 school electors of the combined constituent SCHOOL districts of
20 the intermediate school district, AS FOLLOWS:

21 (A) IF THE POPULATION OF THE INTERMEDIATE SCHOOL DISTRICT IS
22 LESS THAN 10,000 ACCORDING TO THE MOST RECENT FEDERAL CENSUS, A
23 MINIMUM OF 6 AND A MAXIMUM OF 20.

24 (B) IF THE POPULATION OF THE INTERMEDIATE SCHOOL DISTRICT IS
25 10,000 OR MORE ACCORDING TO THE MOST RECENT FEDERAL CENSUS, A
26 MINIMUM OF 40 AND A MAXIMUM OF 100.

SB 385, As Passed Senate, November 1, 2001

Senate Bill No. 385

3

1 (5) A ~~registered~~ school elector may sign as many petitions
2 as there are vacancies to fill. Nominating petitions and an
3 affidavit as provided in section 558 of the Michigan election
4 law, ~~Act No. 116 of the Public Acts of 1954, being section~~
5 ~~168.558 of the Michigan Compiled Laws~~ 1954 PA 116, MCL 168.558,
6 shall be filed with the secretary of the intermediate school
7 board not later than 30 days before the date of the biennial
8 election UNDER SUBSECTION (1). The secretary shall determine the
9 sufficiency of the petitions and the eligibility of the candi-
10 dates nominated. The secretary shall provide ballots for the
11 biennial election, listing on the ballots the names of all candi-
12 dates properly nominated. The chairperson of the biennial elec-
13 tion may accept nominations for a vacancy from the floor only if
14 no nominating petitions have been filed for the vacancy. Section
15 1066 applies to the form and manner of circulation of nominating
16 petitions for a candidate for membership on the intermediate
17 school board.

18 (6) INSTEAD OF FILING NOMINATING PETITIONS, A CANDIDATE FOR
19 ELECTION TO THE INTERMEDIATE SCHOOL BOARD MAY PAY A NONREFUNDABLE
20 FILING FEE OF \$100.00 TO THE SECRETARY OF THE INTERMEDIATE SCHOOL
21 BOARD. IF THIS FEE IS PAID BY THE DUE DATE FOR NOMINATING PETI-
22 TIONS, THE PAYMENT HAS THE SAME EFFECT UNDER THIS SECTION AS THE
23 FILING OF NOMINATING PETITIONS.

24 (7) ~~(5)~~ The president shall appoint 2 persons not members
25 of the intermediate SCHOOL board or candidates for election as a
26 board of canvassers and they shall canvass the vote following
27 balloting. This becomes the official canvass.

SB 385, As Passed Senate, November 1, 2001

Senate Bill No. 385

4

1 Sec. 617. (1) ~~In~~ SUBJECT TO SUBSECTION (4), IN an
2 intermediate school district in which sections 615 to 617 are
3 effective, a candidate for the office of member of the intermedi-
4 ate school board shall be nominated by filing nominating peti-
5 tions and an affidavit as provided in section 558 of the Michigan
6 election law, ~~Act No. 116 of the Public Acts of 1954, being sec-~~
7 ~~tion 168.558 of the Michigan Compiled Laws~~ 1954 PA 116,
8 MCL 168.558, with the secretary of the board of the intermediate
9 school district before 4 p.m. of the ninth Monday before the
10 election.

11 (2) The nominating petitions shall be in the form provided
12 in section 1066. Nominating petitions shall contain signatures
13 of school electors who are registered to vote in the city or
14 township in which they reside ~~equal~~ in A number ~~to not less~~
15 ~~than 1.5% of the combined pupil memberships of the constituent~~
16 ~~districts on the latest pupil membership count day. A candidate~~
17 ~~is not required to file signatures of more than 5,000 voters~~ AS
18 FOLLOWS:

19 (A) IF THE POPULATION OF THE INTERMEDIATE SCHOOL DISTRICT IS
20 LESS THAN 10,000 ACCORDING TO THE MOST RECENT FEDERAL CENSUS, A
21 MINIMUM OF 6 AND A MAXIMUM OF 20.

22 (B) IF THE POPULATION OF THE INTERMEDIATE SCHOOL DISTRICT IS
23 10,000 OR MORE ACCORDING TO THE MOST RECENT FEDERAL CENSUS, A
24 MINIMUM OF 40 AND A MAXIMUM OF 100.

25 (3) Each sheet of the NOMINATING petition shall be circu-
26 lated in 1 city or township only.

SB 385, As Passed Senate, November 1, 2001

Senate Bill No. 385

5

1 (4) INSTEAD OF FILING NOMINATING PETITIONS, A CANDIDATE FOR
2 ELECTION TO THE INTERMEDIATE SCHOOL BOARD MAY PAY A NONREFUNDABLE
3 FILING FEE OF \$100.00 TO THE SECRETARY OF THE INTERMEDIATE SCHOOL
4 BOARD. IF THIS FEE IS PAID BY THE DUE DATE FOR NOMINATING PETI-
5 TIONS, THE PAYMENT HAS THE SAME EFFECT UNDER THIS SECTION AS THE
6 FILING OF NOMINATING PETITIONS.

7 (5) ~~(3)~~ Within 14 days after the last date for filing, the
8 secretary of the intermediate school board shall certify the
9 names and addresses of those candidates whose petitions are found
10 to be sufficient to the secretaries of the boards of the constit-
11 uent SCHOOL districts. The secretary of the intermediate school
12 board shall certify the number to be elected. The secretary of
13 the intermediate school board shall notify the county clerk of
14 the names and addresses of the candidates not later than 3 days
15 after the last day for candidate withdrawal. However, if the
16 third day is a Saturday, Sunday, or legal holiday, the notice may
17 be sent on the next day that is not a Saturday, Sunday, or legal
18 holiday.

19 (6) ~~(4)~~ The intermediate school board shall provide bal-
20 lots for the election of members of the intermediate school board
21 and distribute the ballots to the secretaries of each of the con-
22 stituent SCHOOL districts not less than 20 days before the annual
23 school elections.

24 (7) ~~(5)~~ At the first election, 3 members of an intermedi-
25 ate school board shall be elected for a term of 6 years, 2 for a
26 term of 4 years, and 2 for a term of 2 years. After the first

SB 385, As Passed Senate, November 1, 2001

Senate Bill No. 385

6

1 election, their successors shall be elected biennially for terms
2 of 6 years.

3 (8) ~~-(6)-~~ The intermediate school board of an intermediate
4 school district adopting sections 615 to 617 shall fill a vacancy
5 in the INTERMEDIATE SCHOOL board's membership by appointing a
6 member to serve until the next biennial election, at which time a
7 member shall be elected for the balance of the unexpired term.

8 Sec. 1066. (1) ~~To~~ SUBJECT TO SUBSECTION (6), TO obtain
9 the printing of the name of a candidate for member of the SCHOOL
10 board on the ballot, the candidate shall file nominating peti-
11 tions and an affidavit as provided in section 558 of the Michigan
12 election law, ~~Act No. 116 of the Public Acts of 1954, being sec-~~
13 ~~tion 168.558 of the Michigan Compiled Laws~~ 1954 PA 116,
14 MCL 168.558, with the secretary of the SCHOOL board or in the
15 office of the SCHOOL board ~~of education~~ not later than 4
16 p.m. on the ninth Monday before the date of election. A school
17 board holding elections in conjunction with a city election may
18 vary the date of filing nominating petitions to conform with the
19 filing date of the city, as provided in section 644k of ~~Act~~
20 ~~No. 116 of the Public Acts of 1954, being section 168.644k of the~~
21 ~~Michigan Compiled Laws~~ THE MICHIGAN ELECTION LAW, 1954 PA 116,
22 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~~

SB 385, As Passed Senate, November 1, 2001

Senate Bill No. 385

7

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~~ AS
4 FOLLOWS:

5 (A) IF THE POPULATION OF THE SCHOOL DISTRICT IS LESS THAN
6 10,000 ACCORDING TO THE MOST RECENT FEDERAL CENSUS, A MINIMUM OF
7 6 AND A MAXIMUM OF 20.

8 (B) IF THE POPULATION OF THE SCHOOL DISTRICT IS 10,000 OR
9 MORE ACCORDING TO THE MOST RECENT FEDERAL CENSUS, A MINIMUM OF 40
10 AND A MAXIMUM OF 100.

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

13 (4) The petition shall be substantially in the form pre-
14 scribed in section ~~5446~~ of Act No. 116 of the Public Acts of
15 1954, being section ~~168.544c~~ of the Michigan Compiled Laws 544C
16 OF THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.544C, except
17 that the petition shall be nonpartisan and shall include the fol-
18 lowing opening paragraph:

19 We, the undersigned, registered and qualified voters of
20 _____ and residents of the
21 (legal name of school district)
22 _____, the county of _____, state
23 (city or township)
24 of Michigan, nominate _____
25 (name of candidate)
26 _____, a registered

SB 385, As Passed Senate, November 1, 2001

Senate Bill No. 385

8

1 (street address) (post-office address)

2 and qualified elector of the district as a member of the board of
3 education of the school district for a term of ____ years,
4 expiring ____, to be voted for at the election to be held on the
5 ____ day of _____, _____.

6 (month) (year)

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

9 (6) INSTEAD OF FILING NOMINATING PETITIONS, A CANDIDATE FOR
10 ELECTION TO THE SCHOOL BOARD MAY PAY A NONREFUNDABLE FILING FEE
11 OF \$100.00 TO THE SECRETARY OF THE SCHOOL BOARD. IF THIS FEE IS
12 PAID BY THE DUE DATE FOR NOMINATING PETITIONS, THE PAYMENT HAS
13 THE SAME EFFECT UNDER THIS SECTION AS THE FILING OF NOMINATING
14 PETITIONS.

15 (7) ~~(6)~~ Upon the filing of nominating petitions, the sec-
16 retary of the SCHOOL board shall canvass the petitions to ascer-
17 tain if the petitions have been signed by the requisite number of
18 school electors, and for the purpose of determining their valid-
19 ity may check doubtful signatures against the registration
20 records by the clerk of the political subdivision in which each
21 petition was circulated to determine the authenticity of the
22 signatures. If it is determined that the nominating petitions of
23 a candidate do not comply with the requirements, including the
24 fact that the candidate does not possess the qualifications as
25 required by law for membership on the SCHOOL board, or if for
26 another cause the candidate is not entitled to have his or her
27 name printed upon official election ballots, the secretary of the

SB 385, As Passed Senate, November 1, 2001

Senate Bill No. 385

9

1 SCHOOL board shall notify the candidate immediately. If
2 nominating petitions are filed on behalf of the secretary of the
3 SCHOOL board, the treasurer of the SCHOOL board shall perform the
4 duties of the secretary.

5 (8) ~~-(7)-~~ After a nominating petition is filed by or on
6 behalf of a proposed candidate for membership on the SCHOOL
7 board, the candidate shall not be permitted to withdraw unless a
8 written notice of withdrawal, signed by the candidate, is served
9 on the secretary of the SCHOOL board or an authorized agent of
10 the secretary of the SCHOOL board not later than 4 p.m. of the
11 third day after the last day for filing the petition. The secre-
12 tary of the SCHOOL board shall notify the county clerk of the
13 names and addresses of the candidates not later than 3 days after
14 the last date for candidate withdrawal. However, if the third
15 day is a Saturday, Sunday, or legal holiday, the notice may be
16 made on the next ~~secular~~ day THAT IS NOT A SATURDAY, SUNDAY, OR
17 LEGAL HOLIDAY.

18 Enacting section 1. This amendatory act takes effect
19 January 1, 2003.