

Act No. 509  
Public Acts of 2002  
Approved by the Governor  
July 23, 2002  
Filed with the Secretary of State  
July 23, 2002  
EFFECTIVE DATE: July 23, 2002

**STATE OF MICHIGAN  
91ST LEGISLATURE  
REGULAR SESSION OF 2002**

**Introduced by Reps. Birkholz, Ehardt, Bernero, Vander Veen, Voorhees, Middaugh, George, Toy, Caul,  
Godchaux, DeVuyst and Mortimer**

# **ENROLLED HOUSE BILL No. 4414**

AN ACT to amend 1976 PA 451, entitled "An act to provide a system of public instruction and elementary and secondary schools; to revise, consolidate, and clarify the laws relating to elementary and secondary education; to provide for the organization, regulation, and maintenance of schools, school districts, public school academies, and intermediate school districts; to prescribe rights, powers, duties, and privileges of schools, school districts, public school academies, and intermediate school districts; to provide for the regulation of school teachers and certain other school employees; to provide for school elections and to prescribe powers and duties with respect thereto; to provide for the levy and collection of taxes; to provide for the borrowing of money and issuance of bonds and other evidences of indebtedness; to establish a fund and provide for expenditures from that fund; to provide for and prescribe the powers and duties of certain state departments, the state board of education, and certain other boards and officials; to provide for licensure of boarding schools; to prescribe penalties; and to repeal acts and parts of acts," 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:*

Sec. 859. (1) The proposition shall be in substantially the following form:

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

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

Yes ( )

No ( )"

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

(3) The secretary of the board of each school district operating 12 grades shall provide printed ballots for the election and supply all election materials necessary for the election. The board of each school district operating 12 grades shall appoint the necessary members to the board of election inspectors as determined under section 1059.

(4) The members of the intermediate school board shall act as the board of election inspectors for the election held in school districts operating less than 12 grades. The intermediate board may appoint additional persons to a board of election inspectors. If more than 1 place for holding the election is designated by the intermediate superintendent, the members of the intermediate school board shall be apportioned by the intermediate superintendent to the boards of election inspectors. If a member of the intermediate school board or other person appointed to a board of election

inspectors is unable to be present at the election or is required to leave during the hours the polls are open, the remaining members of the board of election inspectors may appoint another person to fill the vacancy.

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

(6) The affirmative vote of a majority of the school electors voting on the question in each of the election units is necessary to effect the consolidation of the school districts. The consolidation is effective as of the date of the official canvass.

(7) The members of the intermediate school board and other election inspectors acting in the election unit of a school district operating less than 12 grades shall receive the same compensation for conducting the election as is authorized for election inspectors in a general election under the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992. If the consolidation becomes effective, expenses incurred for the election in each election unit shall be certified to the board of the consolidated school district. The school board shall pay election costs from the funds of the consolidated school district. If the proposition to consolidate is not approved, the intermediate school board shall determine the expenses of the election held in the election unit operating less than 12 grades and apportion the expenses equally among the school districts of the election unit. Each school board of the election unit shall pay the apportionment to the intermediate school board.

Sec. 1053. (1) The board of a school district situated wholly or partly in a city or township, by agreement with the governing body of the city or township, may use the registration records of the city or township at an election held by the school district on terms and conditions, including the payment of the necessary expenses of an election, agreed upon by the school board and the governing body of the city or township. If a school district situated wholly or partly in a city or township holds an election at the same time that the city or township holds an election, the election commissioners and other election officials, except for election inspectors, conducting the city or township election may act in their respective capacities for the school election when agreed upon by the board of the school district and the governing body of the city or township for that portion of the school district situated in the city or township. If agreed upon by the board of the school district and the governing body of the city or township, an election inspector conducting the city or township election may serve as an election inspector for the school election. The expense of the election shall be paid proportionately by the school district and the city or township.

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

(3) The agreement to use the registration records of the city or township for school elections and for conducting the school elections by the city or township officials shall be continuing and shall be terminated only on 12 months' notice by either party.

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

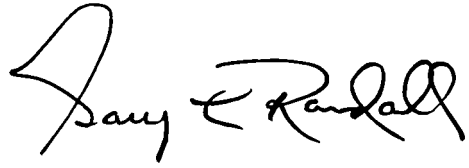
(5) A person registering after 5 p.m. on the thirtieth day immediately before an annual or special school election or, if that day is a Saturday, Sunday, or legal holiday, after 5 p.m. of the next following day that is not a Saturday, Sunday, or legal holiday, is not eligible to vote in the annual or special school election.

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

Sec. 1059. (1) Except when the school election is conducted by city or township officials under section 1053, the school board shall appoint 3 or more qualified and registered electors for each voting precinct to serve as the board of election inspectors in that precinct. A member of the board of election inspectors shall be a qualified and registered elector of the county in which the school district is located or, if the school district is located in more than 1 county, a qualified and registered elector of any county in which the school district is located. Appointments shall be made at least 10 days before the date of an election. Each member shall take the constitutional oath of office and is entitled to administer oaths to persons in connection with the election. In case of inability or refusal of an election inspector to act, the school board may fill the vacancy. If all members are not present at the time of opening the polls, the members of the board of election inspectors present may fill vacancies. The election inspectors, including the election inspectors of an election conducted by city or township officials, immediately after canvassing the votes shall make their return of the canvass and deliver the same to the secretary of the school board.

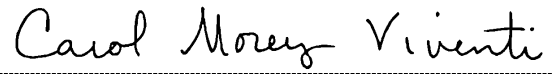
(2) School district elections shall be canvassed in the manner prescribed in sections 1009 and 1010.

This act is ordered to take immediate effect.



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Clerk of the House of Representatives.



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Secretary of the Senate.

Approved .....

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Governor.