

HOUSE BILL No. 4106

January 28, 1999, Introduced by Reps. Raczkowski, Mortimer, Bradstreet, Garcia, Gosselin, Kukuk and Vear and referred to the Committee on Constitutional Law and Ethics.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 30a, 500f, 500g, 501a, 505, 509n, 509r, 509gg, 544c, 644k, 690, 862, 863, 954, and 972 (MCL 168.30a, 168.500f, 168.500g, 168.501a, 168.505, 168.509n, 168.509r, 168.509gg, 168.544c, 168.644k, 168.690, 168.862, 168.863, 168.954, and 168.972), section 501a as amended by 1995 PA 87, sections 509n, 509r, and 509gg as added by 1994 PA 441, section 544c as amended by 1993 PA 137, and section 972 as amended by 1989 PA 26, and 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.

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

7 (C) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT, A LOCAL ACT
8 SCHOOL DISTRICT, OR AN INTERMEDIATE SCHOOL DISTRICT, AS THOSE
9 TERMS ARE DEFINED IN THE REVISED SCHOOL CODE, 1976 PA 451, MCL
10 380.1 TO 380.1852.

11 (D) "NOVEMBER SCHOOL ELECTION" MEANS THE ELECTION HELD TO
12 ELECT MEMBERS TO SCHOOL BOARDS AND THE STATE BOARD OF EDUCATION
13 ON THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER IN
14 EACH ODD NUMBERED YEAR.

15 Sec. 30a. (1) A 4-member board of canvassers is established
16 in every city and township having more than 5 precincts, notwith-
17 standing any statutory or charter provision, or any other rule or
18 law to the contrary. All of the powers granted to and duties
19 required by law to be performed by city and township boards of
20 canvassers are granted to and required to be performed by the
21 boards of city and township canvassers in cities and townships
22 having more than 5 precincts. ~~School district elections in~~
23 ~~cities of over 5 precincts which are held in conjunction with the~~
24 ~~city elections shall be canvassed by the city board of~~
25 ~~canvassers.~~ Members of the board OF CANVASSERS shall be
26 appointed for terms of 4 years beginning January 1 next following
27 their appointment. ~~Of the members first appointed, 1 member of~~

1 ~~each of the political parties represented on the canvassing board~~
 2 ~~shall be appointed for a term ending December 31, 1967, and 1 for~~
 3 ~~a term ending December 31, 1965.~~ Members of the board OF
 4 CANVASSERS shall be notified of their appointment within 5 days
 5 ~~thereafter~~ AFTER APPOINTMENT by their city or township clerk.

6 (2) The city council or the township board of any city or
 7 township having more than 5 precincts may contract with the board
 8 of supervisors of the county in which all or the greater portion
 9 of the city or township's population resides to provide that the
 10 board of county canvassers of that county shall perform all the
 11 functions of the board of city or township canvassers. Financial
 12 arrangements of such a contract may provide that the city or
 13 township shall bear all or part of cost of such work.

14 CHAPTER XIV.

15 ~~SUPERINTENDENT OF PUBLIC INSTRUCTION AND STATE~~

16 ~~HIGHWAY COMMISSIONER~~

17 SCHOOL ELECTIONS

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

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

1 SEC. 302. (1) TO OBTAIN THE PRINTING OF THE NAME OF A
2 PERSON AS A CANDIDATE FOR THE OFFICE OF SCHOOL BOARD MEMBER UPON
3 THE OFFICIAL BALLOTS IN THE VARIOUS ELECTION PRECINCTS OF A
4 SCHOOL DISTRICT, THE CANDIDATE SHALL FILE AN AFFIDAVIT AS
5 REQUIRED IN SECTION 558 AND NOMINATING PETITIONS SIGNED BY A
6 NUMBER OF QUALIFIED AND REGISTERED ELECTORS RESIDING IN THE
7 SCHOOL DISTRICT EQUAL TO NOT LESS THAN 1% OR MORE THAN 2% OF THE
8 TOTAL NUMBER OF VOTES CAST IN THE SCHOOL DISTRICT FOR THE SCHOOL
9 BOARD MEMBER WHO RECEIVED THE GREATEST NUMBER OF VOTES AT THE
10 LAST ELECTION IN WHICH A SCHOOL BOARD MEMBER WAS ELECTED TO
11 OFFICE. HOWEVER, THE NUMBER OF SIGNATURES ON THE PETITION SHALL
12 NOT BE LESS THAN 20.

13 (2) IF THE SCHOOL DISTRICT COMPRISES MORE THAN 1 COUNTY,
14 CITY, OR TOWNSHIP, THE CANDIDATE SHALL FILE THE NOMINATING PETI-
15 TIONS AND AFFIDAVIT WITH THE COUNTY CLERK OF THE COUNTY OF THAT
16 CANDIDATE'S RESIDENCE. IF THE SCHOOL DISTRICT COMPRISES 1 CITY
17 OR TOWNSHIP OR LESS, THE CANDIDATE SHALL FILE THE NOMINATING
18 PETITIONS AND AFFIDAVIT WITH THE CLERK OF THAT CITY OR TOWNSHIP.

19 (3) NOMINATING PETITIONS UNDER THIS SECTION SHALL BE IN THE
20 FORM PRESCRIBED IN SECTION 544A. EXCEPT AS OTHERWISE PROVIDED IN
21 THIS SUBSECTION, A COUNTY, CITY, OR TOWNSHIP CLERK SHALL RECEIVE
22 NOMINATING PETITIONS FOR FILING UNDER THIS CHAPTER UP TO 4 P.M.
23 OF THE THIRTIETH DAY BEFORE THE DATE OF THE ELECTION. IF THE
24 THIRTIETH DAY BEFORE THE ELECTION FALLS ON A SATURDAY, SUNDAY, OR
25 LEGAL HOLIDAY, THE CLERK SHALL RECEIVE NOMINATING PETITIONS FOR
26 FILING UNDER THIS CHAPTER UP TO 4 P.M. OF THE NEXT BUSINESS DAY.

1 SEC. 303. AFTER THE FILING OF A NOMINATING PETITION BY OR
2 ON BEHALF OF A PROPOSED CANDIDATE FOR THE OFFICE OF SCHOOL BOARD
3 MEMBER, THE CANDIDATE SHALL NOT BE PERMITTED TO WITHDRAW UNLESS A
4 WRITTEN NOTICE OF WITHDRAWAL IS SERVED ON THE FILING OFFICIAL
5 WITH WHOM HIS OR HER NOMINATING PETITIONS WERE FILED, OR THE
6 FILING OFFICIAL'S AUTHORIZED AGENT, ON OR BEFORE 4 P.M. OF THE
7 THIRD DAY AFTER THE LAST DAY FOR FILING NOMINATING PETITIONS.
8 HOWEVER, IF THE THIRD DAY FALLS ON A SATURDAY, SUNDAY, OR LEGAL
9 HOLIDAY, A WRITTEN NOTICE OF WITHDRAWAL IS EFFECTIVE IF SERVED ON
10 THE APPROPRIATE PERSON AS PROVIDED IN THIS SUBSECTION ON OR
11 BEFORE 4 P.M. OF THE NEXT BUSINESS DAY.

12 SEC. 304. AT LEAST 1 SCHOOL BOARD MEMBER IN EACH SCHOOL
13 DISTRICT SHALL BE ELECTED TO OFFICE IN EACH NOVEMBER SCHOOL
14 ELECTION.

15 SEC. 305. THE APPROPRIATE BOARD OF CANVASSERS AS PRESCRIBED
16 IN SECTION 24A OR 30A SHALL CANVASS THE VOTES FOR CANDIDATES FOR
17 THE OFFICE OF SCHOOL BOARD MEMBER IN THE NOVEMBER SCHOOL ELECTION
18 IN EACH SCHOOL DISTRICT. THE NUMBER OF CANDIDATES FOR THE OFFICE
19 OF SCHOOL BOARD MEMBER EQUAL TO THE NUMBER OF PERSONS TO BE
20 ELECTED WHO RECEIVE THE GREATEST NUMBER OF VOTES CAST AT THE
21 ELECTION, AS SET FORTH IN THE REPORT OF THE BOARD OF CANVASSERS
22 CANVASSING THE VOTES, BASED UPON THE RETURNS FROM THE VARIOUS
23 ELECTION PRECINCTS OR AS DETERMINED BY THE BOARD OF CANVASSERS AS
24 A RESULT OF A RECOUNT, SHALL BE DECLARED ELECTED TO THE OFFICE OF
25 SCHOOL BOARD MEMBER. UPON COMPLETION OF THE CANVASS, THE BOARD
26 OF CANVASSERS SHALL MAKE A STATEMENT OF RETURNS AND CERTIFY THE
27 ELECTION OF SCHOOL BOARD MEMBERS TO THE APPROPRIATE FILING

1 OFFICIAL WHO RECEIVED THE NOMINATING PETITIONS IN THAT SCHOOL
2 DISTRICT UNDER SECTION 302.

3 SEC. 306. THE OFFICIAL WHO RECEIVES THE CERTIFICATION OF
4 THE BOARD OF CANVASSERS UNDER SECTION 305 SHALL FILE IN HIS OR
5 HER OFFICE AND PRESERVE THE ORIGINAL STATEMENT OF RETURNS AND
6 CERTIFICATION OF THE BOARD OF CANVASSERS OF THE RESULT OF THE
7 ELECTION. THE OFFICIAL SHALL IMMEDIATELY EXECUTE AND CAUSE TO BE
8 DELIVERED TO THE PERSONS DECLARED ELECTED TO THE OFFICE OF SCHOOL
9 BOARD MEMBER A CERTIFICATE OF ELECTION, CERTIFIED BY THE
10 OFFICIAL.

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

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

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

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

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

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

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

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

1 (G) THE SCHOOL BOARD MEMBER'S NEGLIGENCE OR FAILURE TO FILE THE
2 ACCEPTANCE OF OFFICE, TO TAKE THE OATH OF OFFICE, OR TO GIVE OR
3 RENEW AN OFFICIAL BOND REQUIRED BY LAW.

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

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

8 (J) THE SCHOOL BOARD MEMBER'S RESIDENCE BEING REMOVED FROM
9 THE SCHOOL DISTRICT.

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

23 (2) IF THE REMAINING MEMBERS OF THE SCHOOL BOARD FAIL TO
24 FILL A VACANCY AS REQUIRED UNDER SUBSECTION (1), THE SCHOOL BOARD
25 SHALL CAUSE THE VACANCY TO BE FILLED AT THE NEXT NOVEMBER SCHOOL
26 ELECTION BY SPECIAL ELECTION HELD IN CONJUNCTION WITH THAT
27 ELECTION. THE PERSON ELECTED TO FILL A VACANCY UNDER THIS

1 SUBSECTION SHALL HOLD THE OFFICE OF SCHOOL BOARD MEMBER FOR THE
2 FULL REMAINDER OF THE TERM OF THE FORMER MEMBER.

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

6 SEC. 310. THE VOTES CAST FOR A CANDIDATE FOR THE OFFICE OF
7 SCHOOL BOARD MEMBER OR ON A QUESTION SUBMITTED TO THE VOTERS AT A
8 SCHOOL ELECTION ARE SUBJECT TO RECOUNT AS PROVIDED IN
9 CHAPTER XXXIII.

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

13 SEC. 315. (1) A SCHOOL BOARD MAY SUBMIT A QUESTION TO THE
14 VOTE OF THE REGISTERED ELECTORS OF THE SCHOOL DISTRICT AS PRO-
15 VIDED IN THIS SECTION. EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED
16 BY LAW, THE SCHOOL BOARD SHALL SUBMIT A QUESTION TO THE VOTE OF
17 THE REGISTERED ELECTORS OF THE SCHOOL DISTRICT AS PROVIDED IN
18 THIS SECTION UPON RECEIPT OF PETITIONS SIGNED BY 5% OR MORE OF
19 THE REGISTERED ELECTORS OF THE SCHOOL DISTRICT, BUT THE NUMBER
20 SHALL NOT BE LESS THAN 25.

21 (2) UPON DECISION OF THE SCHOOL BOARD TO SUBMIT A QUESTION
22 TO THE VOTE OF THE REGISTERED ELECTORS OF THE SCHOOL DISTRICT OR
23 DETERMINATION BY THE SCHOOL BOARD THAT A PETITION MEETS THE
24 LAWFUL SIGNATURE REQUIREMENTS, THE QUESTION SHALL BE SUBMITTED TO
25 THE REGISTERED ELECTORS OF THE SCHOOL DISTRICT AT A SPECIAL ELEC-
26 TION HELD ON 1 OF THE FOLLOWING ELECTION DATES:

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

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

3 (C) THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN

4 NOVEMBER.

5 (3) THE SCHOOL BOARD SHALL CALL A SPECIAL ELECTION UNDER

6 THIS SECTION BY GIVING THE REQUIRED LEGAL NOTICE.

7 (4) A SCHOOL BOARD SHALL NOT SUBMIT A QUESTION TO THE VOTE

8 OF THE QUALIFIED ELECTORS OF THE SCHOOL DISTRICT UNLESS THE QUES-

9 TION TO BE VOTED UPON IS WITHIN THE LAWFUL AUTHORITY OF THE QUAL-

10 IFIED ELECTORS OF THAT SCHOOL DISTRICT TO DECIDE. A SCHOOL BOARD

11 SHALL NOT SUBMIT A QUESTION TO THE VOTE OF THE QUALIFIED ELECTORS

12 OF THE SCHOOL DISTRICT UNLESS THE QUESTION TO BE VOTED UPON IS

13 STATED IN THE NOTICE OF THE ELECTION.

14 SEC. 316. (1) IF A SCHOOL BOARD CALLS A SPECIAL ELECTION TO

15 SUBMIT A QUESTION TO THE REGISTERED ELECTORS OF THE SCHOOL DIS-

16 TRICT AS PROVIDED IN SECTION 315, THE SCHOOL DISTRICT SHALL PAY

17 TO EACH COUNTY, CITY, AND TOWNSHIP CONDUCTING THE SPECIAL ELEC-

18 TION FOR THAT SCHOOL DISTRICT AN AMOUNT DETERMINED BY THIS

19 SECTION.

20 (2) IF THE SPECIAL ELECTION CALLED BY THE SCHOOL BOARD IS

21 HELD IN CONJUNCTION WITH ANOTHER ELECTION HELD IN THE COUNTY,

22 CITY, OR TOWNSHIP, THE SCHOOL DISTRICT SHALL PAY TO THE COUNTY,

23 CITY, OR TOWNSHIP 100% OF THE ACTUAL COSTS OF CONDUCTING THE SPE-

24 CIAL ELECTION CALLED BY THE SCHOOL BOARD. IF THE SPECIAL ELEC-

25 TION CALLED BY THE SCHOOL BOARD IS NOT HELD IN CONJUNCTION WITH

26 ANY OTHER ELECTION HELD IN THE COUNTY, CITY, OR TOWNSHIP, THE

27 SCHOOL DISTRICT SHALL PAY TO THE COUNTY, CITY, OR TOWNSHIP 105%

1 OF THE ACTUAL COSTS OF CONDUCTING THE SPECIAL ELECTION CALLED BY
2 THE SCHOOL BOARD.

3 (3) THE COUNTY, CITY, OR TOWNSHIP SHALL PRESENT TO THE
4 SCHOOL DISTRICT A VERIFIED ACCOUNT OF ACTUAL COSTS OF CONDUCTING
5 THE SPECIAL ELECTION CALLED BY THE SCHOOL BOARD NOT LATER THAN
6 THE NINETIETH DAY FOLLOWING THE DATE OF THE ELECTION. THE SCHOOL
7 BOARD SHALL PAY OR DISAPPROVE ALL OR A PORTION OF THE VERIFIED
8 ACCOUNT BEFORE THE EXPIRATION OF 90 DAYS AFTER THE SCHOOL DIS-
9 TRICT RECEIVES A VERIFIED ACCOUNT OF ACTUAL COSTS UNDER THIS
10 SUBSECTION.

11 (4) IF THE SCHOOL BOARD DISAPPROVES ALL OR A PORTION OF A
12 VERIFIED ACCOUNT OF ACTUAL COSTS UNDER SUBSECTION (3), THE SCHOOL
13 BOARD SHALL SEND A NOTICE OF DISAPPROVAL ALONG WITH THE REASONS
14 FOR THE DISAPPROVAL TO THE COUNTY, CITY, OR TOWNSHIP. UPON
15 REQUEST OF A COUNTY, CITY, OR TOWNSHIP WHOSE VERIFIED ACCOUNT OR
16 PORTION OF A VERIFIED ACCOUNT WAS DISAPPROVED UNDER THIS SECTION,
17 THE SCHOOL BOARD SHALL REVIEW THE DISAPPROVED COSTS WITH THE
18 COUNTY, CITY, OR TOWNSHIP.

19 (5) SCHOOL BOARDS, COUNTIES, CITIES, AND TOWNSHIPS SHALL USE
20 THE AGREEMENT ON WHAT CONSTITUTES VALID COSTS OF CONDUCTING AN
21 ELECTION MADE PURSUANT TO SECTION 487(2) AS A BASIS FOR PREPARING
22 AND EVALUATING VERIFIED ACCOUNTS UNDER THIS SECTION. THE SECRE-
23 TARY OF STATE SHALL ASSIST SCHOOL BOARDS, COUNTIES, CITIES, AND
24 TOWNSHIPS IN PREPARING AND EVALUATING VERIFIED ACCOUNTS UNDER
25 THIS SECTION.

26 SEC. 320. THE PROVISIONS OF THIS ACT APPLICABLE TO THE
27 CONDUCT OF ELECTIONS SHALL BE APPLICABLE AS NEAR AS POSSIBLE IN

1 ALL RESPECTS TO A GENERAL OR SPECIAL ELECTION CONDUCTED UNDER
2 THIS CHAPTER, UNLESS OTHERWISE SPECIFICALLY PROVIDED TO THE
3 CONTRARY.

4 Sec. 500f. The clerk of a township shall transmit to the
5 village clerk of a village, the whole or part of which lies in
6 the township, information necessary to complete the village reg-
7 istration of a person registered under sections 500a to 500j.
8 ~~The clerk of a city or township shall transmit to the secretary~~
9 ~~of a school district, where applicable, the information on the~~
10 ~~application of a person residing within the school district and~~
11 ~~registered under sections 500a to 500j.~~

12 Sec. 500g. A registration card prepared under sections 500a
13 to 500j shall be sworn to and signed by the voter at the first
14 election during which the voter appears at the polls, or may be
15 signed in the ~~office of the secretary of the school district or~~
16 ~~in the~~ clerk's office. The application shall be retained by the
17 city or township clerk for signature purposes until the registra-
18 tion card is signed, except that the application shall be sent to
19 the appropriate precinct for each election until the registration
20 card is signed. The secretary of state may provide an applica-
21 tion form ~~which~~ THAT allows a completed affidavit to be
22 attached to a registration card prepared by a local clerk. The
23 registrant shall not be required to sign a registration card if
24 the completed affidavit is attached.

25 Sec. 501a. The BOARD OF election ~~commission~~ COMMISSIONERS
26 of a city, village, or township may authorize the clerk of the
27 city, village, or township to create a registration list. The

1 registration list shall be alphabetically arranged and shall
2 contain the name of each registered elector in a precinct. The
3 name shall be followed by the address and date of birth of the
4 elector. The BOARD OF election ~~commission~~ COMMISSIONERS may
5 also provide that the registration list may be used instead of
6 the precinct registration file when this act provides for the use
7 of a precinct registration file. ~~A school district or an inter-~~
8 ~~mediate school district may also use a registration list instead~~
9 ~~of the precinct registration file when a precinct registration~~
10 ~~file is required.~~ A city, village, or township shall maintain a
11 file containing the signature of each elector registered in the
12 city, village, or township.

13 Sec. 505. (1) At the time an elector is applying for regis-
14 tration, the registration officer shall ascertain if the elector
15 is already registered as a voter. If the elector is previously
16 registered, the elector shall at the time of applying for regis-
17 tration sign an authorization to cancel any previous
18 registration. The secretary of state shall prescribe forms for
19 this purpose. The form may be a part of the application or a
20 separate form. The clerk of the city or township in which the
21 elector is newly registered shall notify the registration officer
22 of the place of previous registration of the authorization to
23 cancel.

24 (2) An authorization to cancel ~~which~~ THAT indicates a pre-
25 vious address in a state other than this state shall be forwarded
26 to the secretary of state of that state. Notice may be made by
27 forwarding the separate cancellation form, by forwarding the

1 portion of an application listing a previous place of
2 registration or by forwarding a list certified by the clerk con-
3 taining the names of people authorizing cancellation.

4 (3) Notices of cancellation shall contain the name, birth
5 date, and address at which the elector was previously registered,
6 and the name of the city or township of previous registration of
7 all persons authorizing cancellations. Notices shall be sent
8 within 30 days after receipt, but not later than 5 days after the
9 close of registration.

10 (4) Upon receipt of the notice, the clerk shall cancel the
11 registration of the persons listed on the notice. The clerk
12 shall also notify the registration officer of each village ~~and~~
13 ~~school district~~ in which the person resides of receipt of an
14 authorization to cancel. An authorization to cancel a voter reg-
15 istration signed by the voter and received from another state or
16 a notice from an election official of another state that an elec-
17 tor has registered in that state shall have the same force and
18 effect as the notice of authorization to cancel of this state.

19 Sec. 509n. The secretary of state is responsible for the
20 coordination of the requirements imposed under this chapter and
21 the national voter registration act of 1993. The secretary of
22 state shall do all of the following:

23 (a) Develop a mail registration form and make the form
24 available for distribution through governmental and private enti-
25 ties, with special emphasis on making the form available to voter
26 registration programs established for the purpose of registering
27 citizens of this state to vote.

1 (b) Instruct designated voter registration agencies, ~~AND~~
2 county, city, township, and village clerks ~~and school~~
3 ~~officials~~ regarding the voter registration procedures and
4 requirements imposed by law.

5 Sec. 509r. (1) The secretary of state shall establish and
6 maintain the computer system and programs necessary to the opera-
7 tion of the qualified voter file. The secretary of state shall
8 allow each county, city, township, or village access to the qual-
9 ified voter file. The county, city, township, and village clerks
10 shall verify the accuracy of the names and addresses of regis-
11 tered voters in the qualified voter file.

12 (2) Subject to subsection (3), the secretary of state and
13 county, city, township, and village clerks shall compile the
14 qualified voter file that consists of all qualified electors from
15 the following sources and in the following priority:

16 (a) A driver's license or, if there is no driver's license,
17 a state personal identification card, including renewals and
18 changes of address with the department of state.

19 (b) An application for benefits or services, including
20 renewals and changes of address, taken by a designated voter reg-
21 istration agency.

22 (c) An application to register to vote taken by a county,
23 city, township, or village clerk. ~~or secretary of a school~~
24 ~~board.~~

25 (3) A person whose name does not otherwise appear in the
26 qualified voter file shall be placed in the qualified voter file
27 only if the person signs under penalty of perjury an application

1 that contains an attestation that the applicant meets all of the
2 following requirements:

3 (a) Is 17-1/2 years of age or older.

4 (b) Is a citizen of the United States and this state.

5 (c) Is a resident of the city or township where the person's
6 street address is located.

7 (4) A designated voter registration agency or a county,
8 city, township, or village clerk shall not add to, delete from,
9 or change any information contained in the qualified voter file
10 during the period beginning on the seventh day before an election
11 and ending on the day of the election.

12 Sec. 509gg. The information described in this section that
13 is contained in a registration record is exempt from the freedom
14 of information act, ~~Act No. 442 of the Public Acts of 1976,~~
15 ~~being sections 15.231 to 15.246 of the Michigan Compiled Laws~~
16 1976 PA 442, MCL 15.231 TO 15.246. The secretary of state, a
17 designated voter registration agency ~~—~~ OR a county, city, town-
18 ship, or village clerk ~~—, or the secretary of a school board~~
19 shall not release a copy of that portion of a registration record
20 that contains any of the following:

21 (a) The record that a person declined to register to vote.

22 (b) The office that received a registered voter's
23 application.

24 (c) A registered voter's driver license or state personal
25 identification card number.

26 (d) The month and day of birth of a registered voter.

1 (e) The telephone number provided by the registered voter.
 2 Sec. 544c. (1) A nominating petition shall be 8-1/2 inches
 3 by 14 inches in size. On a nominating petition, the words
 4 "nominating petition" shall be printed in 24-point boldface
 5 type. "We, the undersigned," et cetera shall be printed in
 6 8-point type. "Warning" and language in the warning shall be
 7 printed in 12-point boldface type. The balance of the petition
 8 shall be printed in 8-point type. The name, address, and party
 9 affiliation of the candidate and the office for which petitions
 10 are signed shall be printed in type not larger than 24-point.
 11 The petition shall be in the following form:

12

NOMINATING PETITION

13

(PARTISAN)

14

15 We, the undersigned, registered and qualified voters of
 16 the city or township (STRIKE 1) of, THE SCHOOL DISTRICT
 17 OF, in the county of
 18 ~~-(strike 1)-~~

19 and state of Michigan, nominate,

20 ,

1 (Name of Candidate)

2

3 (Street Address or Rural Route) (Post Office)

4 as a candidate of the party for the office of

5

6 (District, if any)

7 to be voted for at the primary election to be held on the

8 day of, 19... .

9 WARNING

10 A person who knowingly signs more petitions for the same
11 office than there are persons to be elected to the office or
12 signs a name other than his or her own is violating the provi-
13 sions of the Michigan election law.

1 _____
 2 Printed Street Address
 3 Name and or Post Office Date of Signing
 4 Signature Rural Route Mo. Day
 Year

5 _____
 —

6 1.

7 2.

8 3.

9 4.

10 numbered lines as above

11 CERTIFICATE OF CIRCULATOR

12 The undersigned circulator of the above petition asserts
 13 that he or she is qualified to circulate this petition and that
 14 each signature on the petition was signed in his or her presence;
 15 and that, to his or her best knowledge and belief, each signature
 16 is the genuine signature of the person purporting to sign the
 17 petition, the person signing the petition was at the time of
 18 signing a qualified registered elector of the city or township
 19 listed in the heading of the petition, and the elector was quali-
 20 fied to sign the petition.

1 Circulator--Do not sign or date certificate until after
2 circulating petition.

3 _____
4 (Printed Name and Signature of Circulator) (Date)

5 _____
6 (City or Township Where Registered)

7 _____
8 Complete Address (Street and Number or Rural Route)

9 _____
10 (Post Office)

11 Warning-A circulator WHO knowingly ~~making~~ MAKES a false
12 statement in the above certificate, a person not a circulator who
13 signs as ~~a~~ THE circulator, or a person who signs a name other
14 than his or her own as circulator is guilty of a misdemeanor.

15 (2) The petition shall be in a form providing a space for
16 the circulator and each elector who signs the petition to print
17 his or her name. The secretary of state shall prescribe the
18 location of the space for the printed name. The failure of the
19 circulator or an elector who signs the petition to print his or
20 her name or to print his or her name in the location prescribed
21 by the secretary of state does not affect the validity of the
22 signature of the circulator or the elector who signs the
23 petition. A printed name located in the space prescribed for

1 printed names does not constitute the signature of the circulator
2 or elector.

3 (3) At the time of circulation, the circulator of a petition
4 shall be a registered elector of this state. At the time of exe-
5 cuting the certificate of circulator, the circulator shall be
6 registered in the city or township indicated in the certificate
7 of circulator on the petition.

8 (4) The circulator of a petition shall sign and date the
9 certificate of circulator before the petition is filed. A circu-
10 lator shall not obtain electors' signatures after the circulator
11 has signed and dated the certificate of circulator. A filing
12 official shall not count electors' signatures that were obtained
13 after the date the circulator signed the certificate or that are
14 contained in a petition that the circulator did not sign and
15 date.

16 (5) Except as provided in section 544d, a petition sheet
17 shall not be circulated in more than 1 city or township and each
18 signer of a petition sheet shall be a registered elector of the
19 city or township indicated in the heading of the petition sheet.
20 The invalidity of 1 or more signatures on a petition does not
21 affect the validity of the remainder of the signatures on the
22 petition.

23 (6) A person shall not sign more nominating petitions for
24 the same office than there are persons to be elected to the
25 office. A PERSON WHO VIOLATES THIS SUBSECTION IS GUILTY OF A
26 MISDEMEANOR.

1 (7) A person who signs a petition with a name other than his
2 or her own is guilty of a misdemeanor.

3 (8) A person who knowingly makes a false statement in a cer-
4 tificate on a petition, a person not a circulator who signs as a
5 circulator, or a person who signs a name as circulator other than
6 his or her own is guilty of a misdemeanor.

7 (9) A person who aids or abets another in an act that is
8 prohibited by this section is guilty of a misdemeanor.

9 (10) The provisions of this section except as otherwise
10 expressly provided apply to all petitions circulated under
11 authority of the election law.

12 Sec. 644k. (1) If all or portion of a ~~school district or~~
13 ~~a~~ community college district is wholly or partly within a city
14 or more than 1 city that elects city officers at the odd year
15 general election, the ~~school district or~~ community college dis-
16 trict ~~, except a first class school district,~~ may hold its
17 election biennially at the odd year general election if existing
18 law requires ~~or an agreement pursuant to section 533 of Act No.~~
19 ~~269 of the Public Acts of 1955, as amended, being section 340.533~~
20 ~~of the Michigan Compiled Laws, authorizes~~ each city to conduct
21 the ~~school or~~ community college election at the same time as
22 and in conjunction with the city election.

23 (2) The board of ~~education of a school district or the~~
24 ~~board of~~ trustees of a community college district may determine
25 by resolution whether the district shall hold its election as
26 provided in this section. The resolution shall be adopted
27 ~~before May 1, 1971, if it is to be applicable to the 1971 odd~~

1 ~~year general election, otherwise it shall be adopted~~ not less
2 than 6 months preceding the date of any regularly scheduled
3 ~~school or~~ community college district election. In its resolu-
4 tion the board shall provide that the term of office of members
5 of the ~~school district or~~ community college district board
6 shall be for an even number of years and shall provide for an
7 election schedule ~~which~~ THAT implements the change. A term may
8 be extended for not more than 1 year for this purpose. The board
9 may change the filing date of nominating petitions for board of
10 education candidates to conform with the filing dates of a city
11 election that is held in conjunction with the school board
12 election. ~~In the case of school elections held in accordance~~
13 ~~with this section, the last date for nomination shall not be more~~
14 ~~than 49 days before the scheduled school election.~~ The board may
15 provide that all members shall not be elected at the same
16 election. Incumbents' terms shall be ~~in accordance with~~
17 PURSUANT TO section 644g(1). The date for taking office shall be
18 as prescribed in section 644h.

19 (3) This section shall not be ~~deemed~~ CONSIDERED to change
20 the prior provisions of law regarding petitions, nominations, or
21 the conduct of ~~school district and~~ community college district
22 elections other than to allow a change in the date of the regular
23 district election and changes in the date for taking office and
24 the terms of office related to the change in election date.

25 Sec. 690. The APPROPRIATE township, city, or village board
26 of election commissioners, ~~as the case may be,~~ shall cause the
27 ballots required for any regular or special township, village,

1 ~~or~~ city, OR SCHOOL election, or official primary election for
 2 the nomination of candidates for township, village, city, SCHOOL,
 3 or ward offices, to be printed and delivered to the APPROPRIATE
 4 township, village, or city clerk ~~, as the case may be,~~ at least
 5 10 days before ~~any such~~ THE election. ~~, and like~~ SIMILAR
 6 duties ~~as are hereinbefore enjoined~~ IMPOSED upon county boards
 7 of election commissioners and upon county, township, and city
 8 clerks relative to the printing, counting, packaging, sealing,
 9 and delivery of official ballots, are ~~hereby enjoined~~ ALSO
 10 IMPOSED upon the several township and municipal boards of elec-
 11 tion commissioners and ~~upon~~ the several township, village, or
 12 city clerks relative to the printing, counting, packaging,
 13 sealing, and delivery of official ballots for use in each pre-
 14 cinct of ~~such~~ THE township, village, or city at any ~~such~~
 15 municipal, ~~or~~ township, OR SCHOOL election.

16 Sec. 862. A candidate for any office AT AN ELECTION,
 17 including a candidate at ~~all~~ A school ~~elections except an~~
 18 ~~election for board members in a primary school district, at any~~
 19 ~~primary or election, conceiving himself~~ ELECTION, WHO BELIEVES
 20 HE OR SHE IS aggrieved on account of fraud or mistake in the can-
 21 vass of the votes by the inspectors of election, or in the
 22 returns made ~~thereon~~ ON THE ELECTION by the BOARD OF ELECTION
 23 inspectors, may petition for a recount of the votes cast for that
 24 office in any precinct or precincts as provided in this chapter.

25 Sec. 863. A qualified and registered elector voting in a
 26 city, township, ~~school district other than a primary school~~
 27 ~~district at an election for board members,~~ or village at the

1 last preceding election who believes there has been fraud or
2 error committed by the inspectors of election in its canvass or
3 returns of the votes cast at the election, upon a proposed amend-
4 ment to the charter of the city or village or any other proposi-
5 tion submitted to the voters of the county, city, township,
6 school district, or village, may petition for a recount of the
7 votes cast in any precinct or precincts of that county, city,
8 township, school district, or village, upon that proposed amend-
9 ment or other proposition as provided in this chapter.

10 Sec. 954. ~~The~~ RECALL petitions shall be signed by regis-
11 tered and qualified electors of the electoral district of the
12 official whose recall is sought. ~~In a school district where~~
13 ~~school electors are not required to be registered, the signers of~~
14 ~~the petition shall not be required to be registered electors and~~
15 ~~the term "registered and qualified electors" shall mean~~
16 ~~"qualified electors".~~ Each signer of ~~the~~ A RECALL petition
17 shall affix his OR HER signature, address, and the date of
18 signing. ~~The persons signing the~~ A PERSON WHO SIGNS A RECALL
19 petition shall be A registered and qualified ~~electors~~ ELECTOR
20 of the governmental subdivision designated in the heading of the
21 petition.

22 Sec. 972. (1) Except as provided in subsection (2), a can-
23 didate for a nonpartisan office shall be nominated and voted for
24 in an election scheduled pursuant to section 971 by filing a nom-
25 inating petition not later than 4 p.m. on the fifteenth day
26 after the election is called. The nominating petition shall be
27 filed with the clerk or secretary of the electoral district and

1 signed by not less than 3% of the registered and qualified
2 electors of the electoral district. However, a nominating peti-
3 tion for the office of district library board member shall be
4 signed by not less than 3% of the number of persons voting in the
5 district library district at the last election at which district
6 library board members were elected and filed with the clerk of
7 the largest county or, if a school district is a participating
8 municipality, with the secretary of the largest participating
9 school district. For the purposes of this subsection, the term
10 "largest" ~~has the meaning ascribed to it~~ MEANS THAT TERM AS
11 DEFINED in section 2 of the district library establishment act,
12 1989 PA 24, MCL 397.172.

13 (2) This subsection applies to an election to fill a vacancy
14 for an unexpired term created by a recall of a SCHOOL BOARD
15 member, ~~of a board of education of a school district,~~ if the
16 election is scheduled to be held on the same date as ~~an annual~~
17 ~~school election or~~ a general election. A petition filed by a
18 candidate shall be signed by a number of registered and qualified
19 electors of the school district equal to not less than 1% of the
20 total number of votes received by the candidate for SCHOOL BOARD
21 member ~~of the board of education~~ who received the greatest
22 number of votes at the last election at which members of the
23 SCHOOL board ~~of education~~ were elected, but the number shall
24 not be less than 20. The petition shall clearly state that it
25 relates to the filling of a vacancy for an unexpired term and
26 shall be filed with the ~~secretary of the board or in the office~~
27 ~~of the board of education~~ FILING OFFICIAL WHO RECEIVES

1 NOMINATING PETITIONS UNDER SECTION 302 not later than 4 p.m. on
2 the fifteenth day after the election is called.

3 Enacting section 1. This amendatory act takes effect
4 January 1, 2002.

5 Enacting section 2. This amendatory act does not take
6 effect unless Senate Bill No. _____ or House Bill
7 No. _____ (request no. 01075'99) of the 90th Legislature is
8 enacted into law.