

HOUSE BILL No. 4629

April 19, 2001, Introduced by Reps. Raczkowski, Koetje, Tabor, Kuipers, DeVuyst, Gosselin, Julian, Ruth Johnson and Pappageorge and referred to the Committee on Redistricting and Elections.

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,
section 509n as amended by 1999 PA 216, sections 509r and 509gg
as added by 1994 PA 441, section 544c as amended by 1999 PA 219,
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:

SEC. 17. AS USED IN THIS ACT:
(A) "SCHOOL BOARD" MEANS THE GOVERNING BODY OF A SCHOOL
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 THE January 1 ~~next~~
 27 ~~following~~ AFTER their appointment. ~~Of the members first~~

1 ~~appointed, 1 member of each of the political parties represented~~
 2 ~~on the canvassing board shall be appointed for a term ending~~
 3 ~~December 31, 1967, and 1 for a term ending December 31, 1965.~~

4 Members of the board OF CANVASSERS shall be notified of their
 5 appointment within 5 days ~~thereafter~~ AFTER APPOINTMENT by their
 6 city or township clerk.

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

17 CHAPTER XIV.

18 ~~SUPERINTENDENT OF PUBLIC INSTRUCTION AND STATE~~

19 ~~HIGHWAY COMMISSIONER~~

20 SCHOOL ELECTIONS

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

25 (2) THE TERM OF OFFICE FOR SCHOOL BOARD MEMBER IS 4 YEARS,
 26 COMMENCING AT 12 NOON ON THE JANUARY 1 IMMEDIATELY FOLLOWING HIS
 27 OR HER ELECTION. EXCEPT AS OTHERWISE PROVIDED IN SECTION 308, A

1 SCHOOL BOARD MEMBER'S TERM OF OFFICE CONTINUES UNTIL A SUCCESSOR
2 IS ELECTED AND QUALIFIED.

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

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

20 (3) NOMINATING PETITIONS UNDER THIS SECTION SHALL BE IN THE
21 FORM PRESCRIBED IN SECTION 544A. EXCEPT AS OTHERWISE PROVIDED IN
22 THIS SUBSECTION, THE NOMINATING PETITION SHALL BE FILED WITH THE
23 COUNTY, CITY, OR TOWNSHIP CLERK NO LATER THAN 4 P.M. OF THE THIR-
24 TIETH DAY BEFORE THE DATE OF THE ELECTION. IF THE THIRTIETH DAY
25 BEFORE THE ELECTION FALLS ON A SATURDAY, SUNDAY, OR LEGAL HOLI-
26 DAY, THE PETITION SHALL BE FILED WITH THE CLERK NO LATER THAN 4
27 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 DELIVER TO
8 THE PERSONS DECLARED ELECTED TO THE OFFICE OF SCHOOL BOARD MEMBER
9 A CERTIFICATE OF ELECTION, CERTIFIED BY THE OFFICIAL.

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

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

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

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

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

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

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

25 (F) THE SCHOOL BOARD MEMBER'S ELECTION OR APPOINTMENT BEING
26 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 UNDER SECTION 487(2) AS A BASIS FOR PREPARING AND
22 EVALUATING VERIFIED ACCOUNTS UNDER THIS SECTION. THE SECRETARY
23 OF STATE SHALL ASSIST SCHOOL BOARDS, COUNTIES, CITIES, AND TOWN-
24 SHIPS IN PREPARING AND EVALUATING VERIFIED ACCOUNTS UNDER THIS
25 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~~ THAT
6 lies PARTLY OR COMPLETELY in the township ~~, THE~~ information
7 necessary to complete the village registration of a person regis-
8 tered under sections 500a to 500j. ~~The clerk of a city or town-~~
9 ~~ship shall transmit to the secretary of a school district, where~~
10 ~~applicable, the information on the application of a person resid-~~
11 ~~ing within the school district and registered under sections 500a~~
12 ~~to 500j.~~

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

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

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

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

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

1 forwarding the separate cancellation form, by forwarding the
2 portion of an application listing a previous place of registra-
3 tion or by forwarding a list certified by the clerk containing
4 the names of people authorizing cancellation.

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

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

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

24 (a) Develop a mail registration form and make the form
25 available for distribution through governmental and private enti-
26 ties, with special emphasis on making the form available to voter

1 registration programs established for the purpose of registering
2 citizens of this state to vote.

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

7 (c) By June 15 of each odd numbered year, submit to each
8 member of the committees of the senate and house of representa-
9 tives with primary responsibility for election matters a report
10 on the qualified voter file. The report shall include, but need
11 not be limited to, both of the following:

12 (i) Information on the efficiency and effectiveness of the
13 qualified voter file as a voter registration system.

14 (ii) Any recommendations of the secretary of state for
15 amendments to this act to increase the efficiency and effective-
16 ness of the qualified voter file as a voter registration system.

17 Sec. 509r. (1) The secretary of state shall establish and
18 maintain the computer system and programs necessary to the opera-
19 tion of the qualified voter file. The secretary of state shall
20 allow each county, city, township, or village access to the qual-
21 ified voter file. The county, city, township, and village clerks
22 shall verify the accuracy of the names and addresses of regis-
23 tered voters in the qualified voter file.

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

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

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

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

10 (3) A person whose name does not otherwise appear in the
11 qualified voter file shall be placed in the qualified voter file
12 only if the person signs under penalty of perjury an application
13 that contains ~~an attestation~~ A SWORN STATEMENT that the appli-
14 cant meets all of the following requirements:

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

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

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

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

24 Sec. 509gg. The information described in this section that
25 is contained in a registration record is exempt from the freedom
26 of information act, ~~Act No. 442 of the Public Acts of 1976,~~
27 ~~being sections 15.231 to 15.246 of the Michigan Compiled Laws~~

1 1976 PA 442, MCL 15.231 TO 15.246. The secretary of state, a
 2 designated voter registration agency ~~—~~ OR a county, city, town-
 3 ship, or village clerk ~~—, or the secretary of a school board~~
 4 shall not release a copy of that portion of a registration record
 5 that contains any of the following:

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

7 (b) The office that received a registered voter's
 8 application.

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

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

12 (e) The telephone number provided by the registered voter.

13 Sec. 544c. (1) A nominating petition shall be 8-1/2 inches
 14 by 14 inches in size. On a nominating petition, the words
 15 "nominating petition" shall be printed in 24-point boldface
 16 type. "We, the undersigned," et cetera shall be printed in
 17 8-point type. "Warning" and language in the warning shall be
 18 printed in 12-point boldface type. The balance of the petition
 19 shall be printed in 8-point type. The name, address, and party
 20 affiliation of the candidate and the office for which petitions
 21 are signed shall be printed in type ~~not~~ NO larger than
 22 24-point. The petition shall be in the following form:

23 NOMINATING PETITION
 24 (PARTISAN)

25 We, the undersigned, registered and qualified voters of the
 26 city or township (STRIKE 1) of, THE SCHOOL DISTRICT
 27 ~~—(strike 1)—~~

1 OF, in the county of and state of
 2 Michigan, nominate,
 3 ,
 4 (Name of Candidate)
 5 ,
 6 (Street Address or Rural Route) (Post Office)
 7 as a candidate of the party for the office of
 8 ,
 9 (District, if any)
 10 to be voted for at the primary election to be held on ~~the~~
 11 ~~..... day of~~ , ~~19~~
 12 DATE

13 WARNING

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

18 _____

19	Printed	Street Address		
20	Name and	or	Post Office	Date of Signing
21	Signature	Rural Route		Mo. Day Year

22 _____

23 1. _____

24 2. _____

25 3. _____

26 4. _____

27 numbered lines as above

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is qualified to circulate this petition and that each signature on the petition was signed in his or her presence; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a qualified registered elector of the city or township listed in the heading of the petition, and the elector was qualified to sign the petition.

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

(Printed Name and Signature of Circulator) (Date)

(City or Township Where Registered)
[or, for petitions under section 482,
"(City or Township Where Qualified to be Registered)"]

Complete Residence Address (Street and Number or Rural Route)

(Post Office)

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

(2) The petition shall be in a form providing a space for the circulator and each elector who signs the petition to print his or her name. The secretary of state shall prescribe the

1 location of the space for the printed name. The failure of the
2 circulator or an elector who signs the petition to print his or
3 her name or to print his or her name in the location prescribed
4 by the secretary of state does not affect the validity of the
5 signature of the circulator or the elector who signs the
6 petition. A printed name located in the space prescribed for
7 printed names does not constitute the signature of the circulator
8 or elector.

9 (3) At the time of circulation, the circulator of a petition
10 shall be a registered elector of this state. At the time of exe-
11 cuting the certificate of circulator, the circulator shall be
12 registered in the city or township indicated in the certificate
13 of circulator on the petition. However, the circulator of a
14 petition under section 482 need only be qualified to be a regis-
15 tered elector of this state at the time of circulation and at the
16 time of executing the certificate of circulator.

17 (4) The circulator of a petition shall sign and date the
18 certificate of circulator before the petition is filed. A circu-
19 lator shall not obtain electors' signatures after the circulator
20 has signed and dated the certificate of circulator. A filing
21 official shall not count electors' signatures that were obtained
22 after the date the circulator signed the certificate or that are
23 contained in a petition that the circulator did not sign and
24 date.

25 (5) Except as provided in section 544d, a petition sheet
26 shall not be circulated in more than 1 city or township and each
27 signer of a petition sheet shall be a registered elector of the

1 city or township indicated in the heading of the petition sheet.
2 The invalidity of 1 or more signatures on a petition does not
3 affect the validity of the remainder of the signatures on the
4 petition.

5 (6) An individual shall not sign more nominating petitions
6 for the same office than there are persons to be elected to the
7 office. An individual who violates this subsection is guilty of
8 a misdemeanor.

9 (7) An individual shall not do any of the following:

10 (a) Sign a petition with a name other than his or her own.

11 (b) Make a false statement in a certificate on a petition.

12 (c) If not a circulator, sign a petition as a circulator.

13 (d) Sign a name as circulator other than his or her own.

14 (8) An individual who violates subsection (7) is guilty of a
15 misdemeanor punishable by a fine of not more than \$500.00 or
16 imprisonment for not more than 93 days, or both.

17 (9) If after a canvass and a hearing on a petition under
18 section 476 or 552 the board of state canvassers determines that
19 an individual has knowingly and intentionally failed to comply
20 with subsection (7), the board of state canvassers may impose 1
21 or more of the following sanctions:

22 (a) Disqualify any obviously fraudulent signatures on a
23 petition form on which the violation of subsection (7) occurred,
24 without checking the signatures against local registration
25 records.

1 (b) Disqualify from the ballot a candidate who committed,
2 aided or abetted, or knowingly allowed the violation of
3 subsection (7) on a petition to nominate that candidate.

4 (10) If an individual violates subsection (7) and the
5 affected petition sheet is filed, each of the following who knew
6 of the violation of subsection (7) before the filing of the
7 affected petition sheet and who failed to report the violation to
8 the secretary of state, the filing official, if different, the
9 attorney general, a law enforcement officer, or the county prose-
10 cuting attorney is guilty of a misdemeanor, punishable by a fine
11 of not more than \$500.00 or imprisonment for not more than 1
12 year, or both:

13 (a) The circulator of the petition, if different than the
14 individual who violated subsection (7).

15 (b) If the petition is a nominating petition, the candidate
16 whose nomination is sought.

17 (c) If the petition is a petition for a ballot question or
18 recall, the organization or other person sponsoring the petition
19 drive.

20 (11) If after a canvass and a hearing on a petition under
21 section 476 or 552 the board of state canvassers determines that
22 an individual has violated subsection (10), the board of state
23 canvassers may impose 1 or more of the following sanctions:

24 (a) Impose on the organization or other person sponsoring
25 the petition drive an administrative fine of not more than
26 \$5,000.00.

1 (b) Charge the organization or other person sponsoring the
 2 petition drive for the costs of canvassing any petition form on
 3 which a violation of subsection (7) occurred.

4 (c) Disqualify an organization or other person described in
 5 subdivision (a) from collecting signatures on a petition for a
 6 period of not more than 4 years.

7 (d) Disqualify any obviously fraudulent signatures on a
 8 petition form on which a violation of subsection (7) occurred
 9 without checking the signatures against local registration
 10 records.

11 (e) Disqualify from the ballot a candidate who committed,
 12 aided or abetted, or knowingly allowed a violation of subsection
 13 (7) on a petition to nominate that candidate.

14 (12) If an individual refuses to comply with a subpoena of
 15 the board of state canvassers in an investigation of an alleged
 16 violation of subsection (7) or (10), the board may hold the can-
 17 vass of the petitions in abeyance until the individual complies.

18 (13) A person who aids or abets another in an act that is
 19 prohibited by this section is guilty of that act.

20 (14) The provisions of this section except as otherwise
 21 expressly provided apply to all petitions circulated under
 22 authority of the election law.

23 Sec. 644k. (1) If all or A portion of a ~~school district or~~
 24 ~~a~~ community college district is ~~wholly or partly~~ within ~~a~~
 25 ~~city~~ 1 or more ~~than 1 city~~ CITIES that ~~elects~~ ELECT city
 26 officers at the odd year general election, the ~~school district~~
 27 ~~or~~ community college district ~~, except a first class school~~

1 ~~district,~~ may hold its election biennially at the odd year
2 general election if existing law requires ~~or an agreement pursu-~~
3 ~~ant to section 533 of Act No. 269 of the Public Acts of 1955, as~~
4 ~~amended, being section 340.533 of the Michigan Compiled Laws,~~
5 ~~authorizes~~ each city to conduct the ~~school or~~ community col-
6 lege election at the same time as and in conjunction with the
7 city election.

8 (2) The board of ~~education of a school district or the~~
9 ~~board of~~ trustees of a community college district may determine
10 by resolution whether the district shall hold its election as
11 provided in this section. The resolution shall be adopted
12 ~~before May 1, 1971, if it is to be applicable to the 1971 odd~~
13 ~~year general election, otherwise it shall be adopted~~ not less
14 than 6 months ~~preceding~~ BEFORE the date of any regularly sched-
15 uled ~~school or~~ community college district election. In its
16 resolution the board shall provide that the term of office of
17 members of the ~~school district or~~ community college district
18 board shall be for an even number of years and shall provide for
19 an election schedule ~~which~~ THAT implements the change. A term
20 may be extended for not more than 1 year for this purpose. The
21 board may change the filing date of nominating petitions for
22 board of education candidates to conform with the filing dates of
23 a city election that is held in conjunction with the school board
24 election. ~~In the case of school elections held in accordance~~
25 ~~with this section, the last date for nomination shall not be more~~
26 ~~than 49 days before the scheduled school election.~~ The board may
27 provide that all members shall not be elected at the same

1 election. ~~Incumbents' terms shall be in accordance with~~ AN
 2 INCUMBENT'S TERM IS DETERMINED UNDER section 644g(1). The date
 3 for taking office shall be as prescribed in section 644h.

4 (3) This section ~~shall~~ DOES not ~~be deemed to~~ change the
 5 prior provisions of law regarding petitions, nominations, or the
 6 conduct of ~~school district and~~ community college district elec-
 7 tions other than to allow a change in the date of the regular
 8 district election and changes in the date for taking office and
 9 the terms of office related to the change in election date.

10 Sec. 690. The APPROPRIATE township, city, or village board
 11 of election commissioners, ~~as the case may be,~~ shall ~~cause~~
 12 ARRANGE FOR the ballots required for any regular or special town-
 13 ship, village, ~~or~~ city, OR SCHOOL election, or official primary
 14 election for the nomination of candidates for township, village,
 15 city, SCHOOL, or ward offices, to be printed and delivered to the
 16 APPROPRIATE township, village, or city clerk ~~, as the case may~~
 17 ~~be,~~ at least 10 days before ~~any such~~ THE election. ~~, and~~
 18 ~~like~~ SIMILAR duties ~~as are hereinbefore enjoined~~ IMPOSED upon
 19 county boards of election commissioners and upon county,
 20 township, and city clerks relative to the printing, counting,
 21 packaging, sealing, and delivery of official ballots, are ~~hereby~~
 22 ~~enjoined~~ ALSO IMPOSED upon the several township and municipal
 23 boards of election commissioners and ~~upon~~ the several township,
 24 village, or city clerks relative to the printing, counting, pack-
 25 aging, sealing, and delivery of official ballots for use in each
 26 precinct of ~~such~~ THE township, village, or city at ~~any such~~ A
 27 municipal, ~~or~~ township, OR SCHOOL election.

1 Sec. 862. A candidate for ~~any~~ AN office AT AN ELECTION,
 2 including a candidate at ~~all~~ A school ~~elections except an~~
 3 ~~election for board members in a primary school district, at any~~
 4 ~~primary or election, conceiving himself~~ ELECTION, WHO BELIEVES
 5 HE OR SHE IS aggrieved on account of fraud or mistake in the can-
 6 vass of the votes by the inspectors of election, or in the
 7 returns made ~~thereon~~ ON THE ELECTION by the BOARD OF ELECTION
 8 inspectors, may petition for a recount of the votes cast for that
 9 office in any precinct or precincts as provided in this chapter.

10 Sec. 863. A qualified and registered elector voting in a
 11 city, township, ~~school district other than a primary school dis-~~
 12 ~~trict at an election for board members,~~ or village at the ~~last~~
 13 ~~preceding~~ MOST RECENT election who believes there has been fraud
 14 or error committed by the inspectors of election in its canvass
 15 or returns of the votes cast at the election, upon a proposed
 16 amendment to the charter of the city or village or any other
 17 proposition submitted to the voters of the county, city, town-
 18 ship, school district, or village, may petition for a recount of
 19 the votes cast in any precinct or precincts of that county, city,
 20 township, school district, or village, upon that proposed amend-
 21 ment or other proposition as provided in this chapter.

22 Sec. 954. ~~The~~ RECALL petitions shall be signed by regis-
 23 tered and qualified electors of the electoral district of the
 24 official whose recall is sought. ~~In a school district where~~
 25 ~~school electors are not required to be registered, the signers of~~
 26 ~~the petition shall not be required to be registered electors and~~
 27 ~~the term "registered and qualified electors" shall mean~~

1 ~~"qualified electors".~~ Each signer of ~~the~~ A RECALL petition
 2 shall affix his OR HER signature, address, and the date of
 3 signing. ~~The persons signing the~~ A PERSON WHO SIGNS A RECALL
 4 petition shall be A registered and qualified ~~electors~~ ELECTOR
 5 of the governmental subdivision designated in the heading of the
 6 petition.

7 Sec. 972. (1) Except as provided in subsection (2), a can-
 8 didate for a nonpartisan office shall be nominated and voted for
 9 in an election scheduled ~~pursuant to~~ UNDER section 971 by
 10 filing a nominating petition ~~not~~ NO later than 4 p.m. on the
 11 fifteenth day after the election is called. The nominating peti-
 12 tion shall be filed with the clerk or secretary of the electoral
 13 district and signed by not less than 3% of the registered and
 14 qualified electors of the electoral district. However, a nomi-
 15 nating petition for the office of district library board member
 16 shall be signed by not less than 3% of the number of persons
 17 voting in the district library district at the last election at
 18 which district library board members were elected and filed with
 19 the clerk of the largest county or, if a school district is a
 20 participating municipality, with the secretary of the largest
 21 participating school district. For the purposes of this subsec-
 22 tion, the term "largest" ~~has the meaning ascribed to it~~ MEANS
 23 THAT TERM AS DEFINED in section 2 of the district library estab-
 24 lishment act, 1989 PA 24, MCL 397.172.

25 (2) This subsection applies to an election to fill a vacancy
 26 for an unexpired term created by a recall of a SCHOOL BOARD
 27 member, ~~of a board of education of a school district,~~ if the

1 election is scheduled to be held on the same date as ~~an annual~~
2 ~~school election or~~ a general election. A petition filed by a
3 candidate shall be signed by a number of registered and qualified
4 electors of the school district equal to not less than 1% of the
5 total number of votes received by the candidate for SCHOOL BOARD
6 member ~~of the board of education~~ who received the greatest
7 number of votes at the last election at which members of the
8 SCHOOL board ~~of education~~ were elected, but the number shall
9 not be less than 20. The petition shall clearly state that it
10 relates to the filling of a vacancy for an unexpired term and
11 shall be filed with the ~~secretary of the board or in the office~~
12 ~~of the board of education not~~ FILING OFFICIAL WHO RECEIVES NOMI-
13 NATING PETITIONS UNDER SECTION 302 NO later than 4 p.m. on the
14 fifteenth day after the election is called.

15 Enacting section 1. This amendatory act takes effect
16 January 1, 2002.

17 Enacting section 2. This amendatory act does not take
18 effect unless Senate Bill No. _____ or House Bill No. 4628
19 (request no. 00129'01) of the 91st Legislature is enacted into
20 law.