

JACKSON COUNTY INTERMEDIATE SCHOOL DISTRICT
BOARD OF EDUCATION
Regular Meeting – March 16, 2021
Volume 41, Report No. 74

FOR INFORMATION

Subject: JCISD Board Biennial Election

There is one six-year term and one four-year term on the Board of Education that will be filled at the 2021 Biennial ISD Board Election. The six-year term of incumbent Lillian Fields, along with a four-year term of incumbent Georgia Fojtasek are expiring June 30th. By statute, this year's biennial election will be held on Monday, June 7th.

The election duties of the intermediate school district personnel involve initiating, and to some degree, administrating the election. Public Act 419 of 2004, which amended the Revised School Code in terms of intermediate board elections, includes the following:

Process to Elect Board Members:

Members of the ISD board shall be elected biennially on the first Monday in June, if the board is *not* a popularly elected board. The JCISD board is *not* a popularly elected body.

The constituent districts shall designate a representative to the electoral body by resolution adopted not earlier than 21 days before the date of the biennial election (not earlier than May 17, 2021)

- The resolution shall be adopted by a majority vote of the members serving on the constituent school board.
- Candidate(s) supported by the constituent board shall be identified in the resolution and the representative shall be directed to vote for the candidate(s) (at least on the first ballot).
- The resolution shall be considered by the constituent board at not less than one (1) public meeting before it is adopted.

The notice of the hours and place of the biennial election meeting will be sent by certified mail to the secretary of each constituent district at least ten (10) days before the meeting (May 28, 2021).

Limitations on Constituent Board Members:

Beginning with the 2005 election, not more than three (3) members of the ISD board may also serve simultaneously as a member of a constituent board of education or public school academy board.

Eligibility:

Any intermediate school district elector is eligible for election, including any member of a constituent board; however, an intermediate school district elector must be a registered resident elector of a township or city in the intermediate school district.

Not more than two (2) members may be from the same school district unless there are fewer districts than positions to fill.

A candidate must be at least 18-years of age, a citizen of the United States, a resident of the State of Michigan for at least 30-days, and a resident of the school district on or before the 30th day prior to the date of the election. Property ownership is not a requirement for candidacy.

Candidates can either pay a filing fee or file nominating petitions. As a result of Public Act 157 of 2002, board of education candidates now have the option of paying a non-refundable filing fee of \$100. If paid by the appropriate due date, the fee has the same effect as filing a nominating petition. The filing petitions and/or fee, along with the Affidavit of Identity are to be submitted to the County Clerk's office no later than Monday, May 10, 2021.

If a candidate chooses to file a nominating petition instead of paying the \$100 fee, the petition must comply with MCL 380.10066 and 168.544c. The petition must be signed by not less than 40 and no more than 100 registered school electors of the intermediate school district. In every case, signers must be registered to vote in the city or township of the district in which they reside.

In addition to filing nominating petitions, or paying the \$100 non-refundable fee, Public Act 137 of 1997 and Public Act 163 of 2002, require every candidate running for election to an intermediate board to file two copies of an Affidavit of Identity. The affidavit is filed together with the candidates' filing fee or nominating petitions. The Affidavit of Identity form is also available at the office of the County Clerk. The affidavit must be a written document, signed and sworn before a person having authority to administer an oath, such as a notary public. Due to Covid 19, the Jackson County Courts and Clerk's offices are closed to the public. Candidates must therefore take one of two actions:

1. Mail the original Affidavit of Identity, original petitions, or filing fee to:
Jackson County Clerk's Office
Attention: Jenny Crews, election director
312 S JACKSON ST
JACKSON MI 49201

2. or, make an appointment by contacting Jenny Crews or Sam Brown to file in person (517-768-6759 office*), (517-937-0303 cell).

*If a candidate wishes to use petition signatures instead of paying the filing fee, petition packets can be obtained through contacting the clerk's office.

The petitions or fee and the Affidavit of Identity must be filed with the County Clerk not later than 30-days before the date of the biennial election. Therefore, for this year, the last filing date for petitions or fee and affidavits is no later than 4 p.m. on May 10, 2021. The Clerk determines the sufficiency of the petition and eligibility of nominated candidates. If any petition is found insufficient either because of lack of signatures, improper form, or if the candidate is not eligible, the Clerk will notify the person immediately.

Terms of Office:

The full term of office of the board members to be elected to the intermediate school board shall be six (6) years; exception, shortened terms are elected to fill the remainder of a term due to a mid-term vacancy appointment.

Biennial Election Meeting:

The JCISD biennial election will be scheduled to begin at 6:00 p.m. on June 7th. The meeting must comply with the Open Meeting Act, but is not considered a meeting of the intermediate board.

No nominations will be accepted from the floor, unless no petitions have been filed for the vacancies. Ballots for the selection will be furnished by the County Clerk. Selection will be made by ballot on which will be listed the names of the candidates properly nominated.

The canvass will be done by two (2) persons who are appointed by the intermediate board president. The two persons appointed may not be members of the intermediate board nor can they be candidates for the board. The superintendent and the administrative assistant have historically filled these roles.

Within five (5) days after selection or appointment of new board members, each person selected shall be notified. Within ten (10) days the person will file, with the secretary an acceptance of office by written affidavit and subscribe to an oath.

Additional Consideration:

The law is silent as to some of the procedures to be followed at the meeting to elect intermediate board of education members. For example, it is recommended that for the Jackson County Intermediate School District election, if there is a possibility that more than two (2) members could be elected to the intermediate board from one district, procedures will be used to prevent this from happening. Legal counsel has advised, when there are two vacancies on the ballot "the two candidates receiving the

highest number of votes will be declared elected unless both of these persons reside in a district already represented by one incumbent member. In that event, the candidate receiving the highest number of votes will be declared elected to one vacancy. The candidate with the next highest number of votes and who does not reside in the same district as the candidate with the highest votes and the incumbent board member will be declared elected to the other vacancy.

MASB legal opinion also declares that person(s) are elected by majority of votes cast by constituent districts whose voting delegate or alternate is present at the appointed election site, at the specific time and place announced; Board resolutions are not substitute ballots.

TIMELINE OF ELECTION

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| March 16, 2021 | Report presented to the Board of Education. |
| March 17, 2021 | News release concerning biennial election and Notice of Vacancy sent to local districts, along with a copy of the board report. |
| May 10, 2021 4:00 p.m. | Last day for filing required documents with the County Clerk. <ul style="list-style-type: none">- \$100 non-refundable fee or Nominating Petitions- School Board Candidate Affidavit of Identity *(Number of registered voter signatures required is a minimum of 40 and maximum of 100. Ensure the Affidavit of Identity is signed and sworn by a commissioned Notary Public). |
| May 17, 2021 | First day local board may act on resolution naming representative and preferred candidate(s). |
| May 28, 2021 | Deadline for sending certified letters of notification to secretaries of constituent boards. |
| June 7, 2021 6:00 p.m. | Biennial election, Board Room, Gerald B. Kratz Education Center, 6700 Browns Lake Road, Jackson, Michigan. |
| June 8, 2021 | News release of election results. |