

HOUSE BILL No. 4746

March 31, 2009, Introduced by Reps. LeBlanc, Gregory, Johnson, Polidori, Agema, Melton, Rogers, Stamas and Dean and referred to the Committee on Education.

A bill to amend 1954 PA 116, entitled
"Michigan election law,"
by amending sections 302 and 644g (MCL 168.302 and 168.644g),
section 302 as amended by 2005 PA 71 and section 644g as amended by
2004 PA 293, and by adding section 642c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 302. An individual is eligible for election as a school
2 board member if the individual is a citizen of the United States
3 and is a qualified and registered elector of the school district
4 the individual seeks to represent by the filing deadline. At least
5 1 school board member for a school district shall be elected at
6 each of the school district's regular elections held as provided in
7 section ~~642 or 642a~~ **642C**. Except as otherwise provided in this
8 section or section 310 or 644g, a school board member's term of

1 office is prescribed by the applicable provision of section 11a,
2 617, 701, or 703 of the revised school code, 1976 PA 451, MCL
3 380.11a, 380.617, 380.701, and 380.703, or section 34, 34a, 41, 54,
4 or 83 of the community college act of 1966, 1966 PA 331, MCL
5 389.34, 389.34a, 389.41, 389.54, and 389.83. Except as provided in
6 section 302a, if a ballot question changing the number of school
7 board members or changing the terms of office for school board
8 members pursuant to section 11a of the revised school code, 1976 PA
9 451, MCL 380.11a, is proposed and a school district needs a
10 temporary variance from the terms of office provisions in this act
11 and the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, to
12 phase in or out school board members' terms of office, the school
13 board shall submit the proposed ballot question language and a
14 proposed transition plan to the secretary of state at least 30 days
15 before the school board submits the ballot question language to the
16 school district election coordinator pursuant to section 312. The
17 secretary of state shall approve or reject the proposed transition
18 plan within 10 business days of receipt of the proposed transition
19 plan. The secretary of state shall approve the proposed transition
20 plan if the plan provides only temporary relief to the school
21 district from the terms of office provisions in this act and the
22 revised school code, 1976 PA 451, MCL 380.1 to 380.1852, until such
23 time that the terms of office for school board members can be made
24 to comply with this act and the revised school code, 1976 PA 451,
25 MCL 380.1 to 380.1852. The school board shall not submit the
26 proposed ballot question language to the school district election
27 coordinator pursuant to section 312 until the proposed transition

1 plan is approved by the secretary of state. A school board member's
2 term begins on ~~1 of the following dates:~~

3 ~~—— (a) If elected at an election held on a November regular~~
4 ~~election date, January 1 immediately following the election.~~

5 ~~—— (b) If elected at an election held on a May regular election~~
6 ~~date, July 1 immediately following the election.~~

7 **SEC. 642C. BEGINNING JANUARY 1, 2010, A SCHOOL DISTRICT SHALL**
8 **HOLD ITS REGULAR ELECTION FOR THE OFFICE OF SCHOOL BOARD MEMBER ON**
9 **THE NOVEMBER REGULAR ELECTION DATE IN BOTH EVEN AND ODD YEARS.**

10 Sec. 644g. (1) A term of office shall not be shortened by the
11 provisions of sections 641 to 644i. An officer scheduled by prior
12 law to be elected at a time other than the odd year general
13 election shall not be elected on the date scheduled but shall
14 continue in office until a successor takes office after being
15 elected in the first odd year general election following that date.
16 If the regular election date for holding a jurisdiction's regular
17 election is changed under section 642, ~~or~~ 642a, **OR 642C**, the term
18 of an official who was elected before the effective date of the
19 change continues until a successor is elected and qualified at the
20 next regular election.

21 (2) Notwithstanding a law or charter provision to the
22 contrary, an officer required to be elected at the odd year general
23 election, who by law or charter is elected for a term of an odd
24 number of years shall, after September 1, 2004, be elected for a
25 term of 1 year longer than provided by law or charter.

26 (3) In home rule cities where the charter provides for the
27 election of city officers at a time other than at the odd year

1 general election and provides that members of the governing body
2 are not all to be elected in the same year, the governing body by
3 ordinance adopted prior to April 1, 1971 may alter the length of
4 terms now provided by charter to provide that the city may continue
5 to elect part of the governing body at each election. A term shall
6 not be extended beyond January 1 following the first odd year
7 general election at which the officer would be elected as provided
8 by charter. A term shall not be for more than 4 years.

9 Enacting section 1. This amendatory act takes effect January
10 1, 2010.