

SENATE BILL No. 773

October 20, 2011, Introduced by Senator HUNE and referred to the Committee on Local Government and Elections.

A bill to amend 1954 PA 116, entitled "Michigan election law," by amending sections 302 and 310 (MCL 168.302 and 168.310), section 302 as amended by 2005 PA 71 and section 310 as added by 2003 PA 302.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 302. (1) An individual is eligible for election as a
2 school board member if the individual is a citizen of the United
3 States and is a qualified and registered elector of the school
4 district the individual seeks to represent by the filing deadline.
5 **HOWEVER, IF AN INDIVIDUAL'S SPOUSE, CHILD, PARENT, OR SIBLING IS AN**
6 **EMPLOYEE OF THE SCHOOL DISTRICT, THE INDIVIDUAL IS NOT ELIGIBLE FOR**

1 ELECTION OR APPOINTMENT AS A SCHOOL BOARD MEMBER.

2 (2) At least 1 school board member for a school district shall
3 be elected at each of the school district's regular elections held
4 as provided in section 642 or 642a. Except as otherwise provided in
5 this section or section 310 or 644g, a school board member's term
6 of office is prescribed by the applicable provision of section 11a,
7 617, 701, or 703 of the revised school code, 1976 PA 451, MCL
8 380.11a, 380.617, 380.701, and 380.703, or section 34, 34a, 41, 54,
9 or 83 of the community college act of 1966, 1966 PA 331, MCL
10 389.34, 389.34a, 389.41, 389.54, and 389.83. Except as provided in
11 section 302a, if a ballot question changing the number of school
12 board members or changing the terms of office for school board
13 members pursuant to section 11a of the revised school code, 1976 PA
14 451, MCL 380.11a, is proposed and a school district needs a
15 temporary variance from the terms of office provisions in this act
16 and the revised school code, 1976 PA 451, MCL 380.1 to 380.1852, to
17 phase in or out school board members' terms of office, the school
18 board shall submit the proposed ballot question language and a
19 proposed transition plan to the secretary of state at least 30 days
20 before the school board submits the ballot question language to the
21 school district election coordinator pursuant to section 312. The
22 secretary of state shall approve or reject the proposed transition
23 plan within 10 business days of receipt of the proposed transition
24 plan. The secretary of state shall approve the proposed transition
25 plan if the plan provides only temporary relief to the school
26 district from the terms of office provisions in this act and the
27 revised school code, 1976 PA 451, MCL 380.1 to 380.1852, until such

1 time that the terms of office for school board members can be made
2 to comply with this act and the revised school code, 1976 PA 451,
3 MCL 380.1 to 380.1852. The school board shall not submit the
4 proposed ballot question language to the school district election
5 coordinator pursuant to section 312 until the proposed transition
6 plan is approved by the secretary of state.

7 (3) A school board member's term begins on 1 of the following
8 dates:

9 (a) If elected at an election held on a November regular
10 election date, January 1 immediately following the election.

11 (b) If elected at an election held on a May regular election
12 date, July 1 immediately following the election.

13 Sec. 310. (1) Before entering upon the duties of his or her
14 office, an individual elected to the office of school board member
15 shall take and subscribe to the oath provided in section 1 of
16 article XI of the state constitution of 1963.

17 (2) The office of a school board member becomes vacant
18 immediately, regardless of declaration by an officer or acceptance
19 by the school board or 1 or more of its members, upon any of the
20 following events:

21 (a) The death of the school board member.

22 (b) The school board member's being adjudicated insane or
23 being found to be a legally incapacitated individual by a court of
24 competent jurisdiction.

25 (c) The school board member's resignation.

26 (d) The school board member's removal from office.

27 (e) The school board member's conviction for a felony.

1 (f) The school board member's election or appointment being
2 declared void by a competent tribunal.

3 (g) The school board member's neglect or failure to file the
4 acceptance of office, to take the oath of office, or to give or
5 renew an official bond required by law.

6 (h) The school board member ceasing to possess the legal
7 qualifications for holding office.

8 (i) The school board member moving his or her residence from
9 the school district.

10 (J) THE SCHOOL BOARD MEMBER'S SPOUSE, CHILD, PARENT, OR
11 SIBLING BECOMING AN EMPLOYEE OF THE SCHOOL DISTRICT.