

# HOUSE BILL No. 4755

May 10, 2005, Introduced by Reps. Ward, Elsenheimer, Brown, Hune, Steil, Jones,  
Hildenbrand, Gosselin, Drolet, Hummel, Palmer, Pastor and Kooiman and referred to the  
Committee on House Oversight, Elections, and Ethics.

A bill to amend 1954 PA 116, entitled  
"Michigan election law,"  
by amending sections 302 and 381 (MCL 168.302 and 168.381), section  
302 as added by 2003 PA 302 and section 381 as amended by 2004 PA  
290, and by adding sections 642c and 642d.

## 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 ~~642a~~ **642C**. Except as otherwise provided in this section

1 or section 310 or 644g, a school board member's term of office is  
2 prescribed by the applicable provision of section 11a, 617, 701, or  
3 703 of the revised school code, 1976 PA 451, MCL 380.11a, 380.617,  
4 380.701, and 380.703, or section 34, 34a, 41, 54, or 83 of the  
5 community college act of 1966, 1966 PA 331, MCL 389.34, 389.34a,  
6 389.41, 389.54, and 389.83. A school board member's term begins on  
7 ~~1 of the following dates:~~

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

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

12 Sec. 381. (1) Except as provided in subsection (2) and  
13 sections 383, 641, 642, **642D**, and 644g, the qualifications,  
14 nomination, election, appointment, term of office, and removal from  
15 office of a village officer shall be as determined by the charter  
16 provisions governing the village.

17 (2) If the membership of the village council of a village  
18 governed by the general law village act, 1895 PA 3, MCL 61.1 to  
19 74.25, is reduced to less than a quorum of 4 and a special election  
20 for the purpose of filling all vacancies in the office of trustee  
21 is called under section 13 of chapter II of the general law village  
22 act, 1895 PA 3, MCL 62.13, temporary appointments of trustees shall  
23 be made as provided in this subsection. The board of county  
24 election commissioners of the county in which the largest portion  
25 of the population of the village is situated shall make temporary  
26 appointment of the number of trustees required to constitute a  
27 quorum for the transaction of business by the village council. A

1 trustee appointed under this subsection shall hold the office only  
2 until the trustee's successor is elected and qualified. A trustee  
3 who is temporarily appointed under this subsection shall not vote  
4 on the appointment of himself or herself to an elective or  
5 appointive village office.

6 (3) Notwithstanding another provision of law or charter to the  
7 contrary, an appointment to an elective or appointive village  
8 office made by a quorum constituted by temporary appointments under  
9 this subsection expires upon the election and qualification of  
10 trustees under the special election called to fill the vacancies  
11 in the office of trustee.

12 (4) Filing for a village office shall be with the township  
13 clerk if the township is conducting the election or if the village  
14 is located in more than 1 township with the township in which the  
15 largest number of the registered electors of the village reside.

16 **SEC. 642C. (1) BEGINNING JANUARY 1, 2006, A SCHOOL DISTRICT**  
17 **SHALL HOLD ITS REGULAR ELECTION FOR THE OFFICE OF SCHOOL BOARD**  
18 **MEMBER ON 1 OF THE FOLLOWING:**

19 (A) THE NOVEMBER REGULAR ELECTION DATE IN BOTH EVEN AND ODD  
20 YEARS.

21 (B) THE GENERAL NOVEMBER ELECTION DATE.

22 (C) THE ODD YEAR GENERAL NOVEMBER ELECTION DATE.

23 (2) A SCHOOL DISTRICT'S SCHOOL BOARD SHALL ADOPT A RESOLUTION  
24 TO HOLD ITS REGULAR ELECTION ON A DATE IN COMPLIANCE WITH THIS  
25 SECTION.

26 **SEC. 642D. (1) BEGINNING JANUARY 1, 2006, A VILLAGE SHALL HOLD**  
27 **ITS REGULAR ELECTION ON 1 OF THE FOLLOWING:**

1 (A) THE NOVEMBER REGULAR ELECTION DATE IN BOTH EVEN AND ODD  
2 YEARS.

3 (B) THE GENERAL NOVEMBER ELECTION DATE.

4 (C) THE ODD YEAR GENERAL NOVEMBER ELECTION DATE.

5 (2) A VILLAGE COUNCIL SHALL ADOPT A RESOLUTION TO HOLD ITS  
6 REGULAR ELECTION ON A DATE IN COMPLIANCE WITH THIS ACT.

7 (3) THE APPROPRIATE TOWNSHIP CLERK SHALL CONDUCT THE VILLAGE  
8 REGULAR ELECTION.

9 (4) IF A VILLAGE'S REGULAR OR SPECIAL ELECTION IS HELD IN  
10 CONJUNCTION WITH ANOTHER ELECTION CONDUCTED BY A TOWNSHIP, THE  
11 VILLAGE SHALL PAY THE TOWNSHIP A PROPORTIONATE SHARE OF THE  
12 ELECTION EXPENSES. IF A VILLAGE'S REGULAR OR SPECIAL ELECTION IS  
13 NOT HELD IN CONJUNCTION WITH ANOTHER ELECTION CONDUCTED BY A  
14 TOWNSHIP, THE VILLAGE SHALL PAY THE TOWNSHIP 100% OF THE ACTUAL  
15 COSTS OF CONDUCTING THE VILLAGE'S REGULAR OR SPECIAL ELECTION.

16 Enacting section 1. This amendatory act takes effect January  
17 1, 2006.