

SENATE BILL NO. 1206

November 05, 2020, Introduced by Senator VICTORY and referred to the Committee on Local Government.

A bill to amend 1978 PA 566, entitled

"An act to encourage the faithful performance of official duties by certain public officers and public employees; to prescribe standards of conduct for certain public officers and public employees; to prohibit the holding of incompatible public offices; and to provide certain judicial remedies,"

by amending the title and sections 1 and 2 (MCL 15.181 and 15.182).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

TITLE

- 1 An act to encourage the faithful performance of official
- 2 duties by certain public officers and public employees; to

1 prescribe standards of conduct for certain public officers and
2 public employees; to prohibit the holding of incompatible **or**
3 **multiple elected** public offices; and to provide certain judicial
4 remedies.

5 Sec. 1. As used in this act:

6 (a) "Governing board" means a board of regents, board of
7 trustees, board of governors, board of control, or other governing
8 body of an institution of higher education.

9 (b) "Incompatible offices" means public offices held by a
10 public official which, when the official is performing the duties
11 of any of the public offices held by the official, results in any
12 of the following with respect to those offices held:

13 (i) The subordination of 1 public office to another.

14 (ii) The supervision of 1 public office by another.

15 (iii) A breach of duty of public office.

16 (c) "Institution of higher education" means a college,
17 university, community college, or junior college described in
18 section 4, 5, or 6 of article 8 of the state constitution of 1963
19 or established under section 7 of article 8 of the state
20 constitution of 1963.

21 (d) "Public employee" means an employee of this state, an
22 employee of a city, village, township, or county of this state, or
23 an employee of a department, board, agency, institution,
24 commission, authority, division, council, college, university,
25 school district, intermediate school district, special district, or
26 other public entity of this state or of a city, village, township,
27 or county in this state, but does not include a person whose
28 employment results from election or appointment.

29 (e) "Public officer" means a person who is elected or

1 appointed to any of the following:

2 (i) An office established by the state constitution of 1963.

3 (ii) A public office of a city, village, township, or county in
4 this state.

5 (iii) A department, board, agency, institution, commission,
6 authority, division, council, college, university, school district,
7 intermediate school district, special district, or other public
8 entity of this state or a city, village, township, or county in
9 this state.

10 Sec. 2. (1) Except as provided in section 3, a public officer
11 or public employee shall not hold 2 or more incompatible offices at
12 the same time.

13 (2) **Notwithstanding subsection (1) and section 3, a public**
14 **officer or public employee shall not hold 2 or more elected offices**
15 **at the same time. As used in this subsection, elected office does**
16 **not include a precinct delegate.**