

BULLETIN BOARD

Will There be Empty Seats at Your Board Table in 2019?

The filing deadline for this year's elections has come and gone and some districts do not have enough candidates running to fill each vacant position. If your district finds itself in that position you will likely need to start recruiting individuals who may be interested in being appointed.

To begin, any individual currently occupying a board seat that is up for election this November, whether that individual was elected previously or appointed, will continue to serve until Jan. 1. While the process for identifying an appointee to replace that individual can begin as soon as the election results are certified (with no election winner and taking into account the potential of a write-in candidate), any vote to appoint a new board member should take place only after the outgoing board member's term has expired, i.e., after Jan. 1. How much involvement the outgoing board member might have in selecting their replacement will vary from district to district, however, we recommend that the outgoing member remove themselves from the selection process to the extent possible.

In some situations, an individual previously appointed to a board seat may have been unwilling to run for election, but after the election occurs without a candidate, that individual is willing to remain on as an appointee. In that situation, the law (MCL 168.311) appears to allow the appointee to remain as such until a successor is actually elected and qualified. Unless the bylaws in your district dictate something to the contrary, a current appointee's term can be extended indefinitely under the law (until an individual is eventually elected to take that seat) without the need to repeat the appointment process or requiring that another oath be administered. In this scenario of course, the seat will be up for election every two years until someone is, in fact, elected.

In addition, given that the official candidacy filing deadline has passed, there is always the option of recruiting a write-in candidate. Write-in candidates must file a "Declaration of Intent" with the local election official by 4 p.m. on the second Friday preceding the election (this year that would be Oct. 28). At that point, if they are the only individual who submitted the appropriate write-in candidacy paperwork, a single vote will get them elected to the board, allowing them to avoid petition signature requirements, filing fees and so forth.

Finally, keep in mind that the law provides only 30-days to fill these vacancies before it is incumbent upon your intermediate school district to step in and take charge of the appointment process. Hence, in order to ensure that your board retains its control over this vital aspect of local district governance, it is very important to begin soliciting candidates as soon as possible.

If you have any questions, please feel free to contact Assistant Legal Counsel Joel Gerring at jgerring@masb.org or 517.327.5922.



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