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Senate Bill 438 (Substitute S-1 as reported)
Senate Bill 439 (Substitute S-1 as reported)
Senate Bill 440 (Substitute S-2 as reported)
Senate Bill 441 (Substitute S-1 as reported)
Senate Bill 442 (Substitute S-1 as reported)
Senate Bill 443 (Substitute S-1 as reported)
Senate Bill 444 (as reported without amendment)
Senate Bill 760 (as reported without amendment)
Sponsor: Senator Glenn D. Steil (S.B. 438 & 440)
Senator Bev Hammerstrom (S.B. 439)
Senator George A. McManus, Jr. (S.B. 441, 442, & 443)
Senator Loren Bennett (S.B. 444 & 760)
Committee: Government Operations

Date Completed: 11-26-01

RATIONALE

The Michigan Election Law provides for the regulation of State and local elections and prescribes the powers and duties of State and local election officials in conducting elections. School elections are conducted under both the Election Law and the Revised School Code; the School Code contains provisions for the administration and operation of elections by school districts. Under the Code, schools may conduct their own elections if they choose to do so (without contracting with local units of government for use of their facilities and personnel) and may establish polling places other than those used during general elections. Although most school board elections are held in June, annual school elections may be held on any one of four dates during the year, and special elections may be held at any time other than within 30 days of an even-numbered November election.

Some people believe that the current system has the potential to confuse the voters, and has resulted in school districts' holding more elections than are needed. Further, it has been pointed out that local units of government, as well as community colleges on occasion, hold elections at various times during the year. It has been suggested that the school election provisions be recodified in the Michigan Election Law in an effort to consolidate elections, and be modified so as to transfer the administration of school elections to local units, restrict all elections to four

specified dates per year, and limit the times when schools and local units could hold elections.

CONTENT

The bills would amend several acts to do the following:

- **Remove from school districts the power to administer and operate elections, and require that school elections be conducted by local units of government under the Michigan Election Law.**
- **Require school elections and local elections generally to be held in November of an odd-numbered year, unless a school district chose to hold its regular election in May of an odd-numbered year; and restrict all elections to four specified dates per year (except for a special election called by the Governor or the Legislature).**
- **Allow a school district to use general operating funds to reimburse local units for school election costs.**
- **Require a school district and an intermediate school district (ISD) to include an estimate of the cost of repaying bonds, when submitting a bond question to the electors.**

-- Place in the Michigan Election Law provisions for calling, administering, and canvassing school elections, and require a "school district election coordinator" for a school district to conduct all regular and special school elections.

Senate Bill 438 (S-1) would amend the Revised School Code; Senate Bills 439 (S-1), 440 (S-2), and 760 would amend the Michigan Election Law; Senate Bill 441 (S-1) would amend the Home Rule City Act; Senate Bill 442 (S-1) would amend the Home Rule Village Act; Senate Bill 443 (S-1) would amend the General Law Village Act; and Senate Bill 444 would amend the Community Colleges Act. Except for Senate Bill 439 (S-1), all of the bills would take effect January 1, 2003.

Senate Bill 438 (S-1)

The bill would do the following:

- Repeal, on January 1, 2003, parts of the Revised School Code that provide for the administration and operation of elections by school districts.
- Specify that a school district's regular election or a special election would be administered and conducted as provided in the Michigan Election Law (i.e., by local units of government and not by school districts).
- Require regular school elections to be held in November of an odd-numbered year, unless a school district chose to hold its regular election in May of an odd-numbered year, or it called a special election.
- Provide that a special school election would have to be held on a regular election day. (As proposed in Senate Bill 439 (S-1), a "regular election day" would be a specified day in February, May, August, or November.)
- Provide that school bond questions submitted to the voters for approval would have to include an estimate of the cost of repaying the bonds.

Specifically, the bill provides that a school district, local act school district, or ISD regular or special election would have to be administered and conducted as provided in Chapter 14 of the Michigan Election Law. (Senate Bill 440 (S-2) would add Chapter 14 to the Michigan Election Law to regulate school

elections.) A district could use general operating funds to reimburse local units of government involved in administering and conducting an election.

The bill would repeal parts of the School Code that govern school elections, including provisions regarding notification of elections; voter challenges; ballot applications; the casting of ballots; duties of an individual board of school canvassers; recounts; special elections; determination of voter qualification; use of local unit registration records; payment of expenses; voter registration deadlines; school board-appointed election inspectors; nominating petitions; candidate withdrawal; notification of election results; acceptance of office by a person elected to a school board; and board vacancies.

The bill provides that the board of a general powers school district would have to hold its regular school election on the first Tuesday after the first Monday of November in each odd-numbered year, unless a school district chose, before January 1, 2003, to hold its regular election on the first Tuesday after the first Monday in May of each odd-numbered year. Currently, a regular school election may be held on specified dates in April, June, or November of any year, or on the same date that a school district held its regular elections before July 1, 1996. Further, the Code contains numerous references to "annual" school elections. The bill would refer instead to "regular" school elections. "Regular school election" or "regular election" would mean an election held in a school district, local act school district, or ISD to elect a school board member in the regular course of the terms of that office, held on the regular school election day as determined under Chapter 14 of the Michigan Election Law (as noted above, in May or November of each odd-numbered year). A "special school election" or "special election" would be a school district election to fill a vacancy on a school board, or submit a ballot question to the school electors, that was held on a regular election day as prescribed in the Michigan Election Law.

The members of the board of a general powers school district would have to be elected by the school electors for terms of four years. At each regular school election, board members would have to be elected to fill the positions of those whose terms would expire.

The term of office would begin January 1, and continue until a successor was elected and qualified. The school board could submit to the school electors of the school district a measure, proposition, or question that was within the scope of the powers of the school electors and that the board considered "just and proper for the proper management or conduct of the school system or the advancement of education in the schools of the school district". Upon adopting the measure or question, the board would have to submit it to the electors of the school district at the next regular school election or at a special election. A special election could be called by the board as provided in the Michigan Election Law.

In an ISD that elected its board members, they would have to be elected at the regular school election of the constituent districts, and every two years thereafter. The bill would require ISD board members to be elected as provided in Chapter 14 of the Michigan Election Law. Further, the bill would eliminate current provisions that: allow an ISD to hold its regular election at other times; prescribe the content of and the timing of filing ISD nominating petitions; provide for the distribution of ballots to constituent school districts; provide for the filling of vacancies on an ISD board; provide for the submission of questions at a special ISD election; and prescribe the conduct of an ISD in administering an election regarding a school's consolidation question. Currently, an ISD board must meet each year by the fourth Monday in July. The bill would require the meeting to be held by the fourth Monday in January, or if the ISD's regular election were in May, by the fourth Monday in June.

The bill provides that a school district or ISD could not issue bonds under the Code unless the language on the ballot, used in submitting the question of issuing the bonds, included the estimated annual cost to the school district or ISD of repaying the bonds, expressed in amounts of both per pupil and per classroom costs affected by the project for which the bonds were to be issued. The Department of Treasury would have to develop and distribute to school districts guidelines on calculating the amounts.

The bill is tie-barred to Senate Bills 439, 440, and 444.

Senate Bill 439 (S-1)

The bill specifies the dates upon which elections could be held in the State. In general, beginning January 1, 2003, an election held under the Michigan Election Law would have to be held on one of the following regular election dates: the fourth Tuesday in February; the first Tuesday after the first Monday in May; the first Tuesday after the first Monday in August; or the first Tuesday after the first Monday in November. The bill also would require a special election to be held on a regular election day. (Under Senate Bill 440 (S-2), a "special election" would be an election other than a regular election.) A special election called by the Governor to fill a vacant office, or called by the Legislature to submit to the voters a proposed constitutional amendment, could, but would not have to be held on a regular election day.

Currently, Section 643 of the Michigan Election Law lists the officers who must be elected at the general November election (held in even-numbered years). They include State legislators, members of the U.S. Congress, university board members, judges, township officers, and others as required by law. Under the bill, if an elective office were listed by name in Section 643, and if candidates for the office were nominated at a primary election, the primary would have to be held at the August primary in an even-numbered year.

If an elective office were not listed by name in Section 643, the regular election for the office would have to be held at the November election in an odd-numbered year. If the regular election for an elective office were held at the odd-year November election, the nomination, election, and term of office for the elective office would be governed by the bill and other provisions of the Law regulating the holding of elections.

If candidates for an odd-year November election were nominated at a primary election, it would have to be held at the odd-year August election. A city would have to hold its primary election for an odd-year November election on a day determined under Section 26 of the Home Rule City Act (pursuant to Senate Bill 441 (S-1)).

The Secretary of State would have to direct and supervise the consolidation of all elections

held under the Law, on the days as prescribed in the bill.

Senate Bill 440 (S-2)

Regular School Elections

The bill would require the "school district election coordinator" for a school district to conduct each "regular school election", and each special school election that was requested by a school district to fill a vacancy on the school board or submit a ballot question to the voters. A "regular school election" would be an election held to elect a school board member in the regular course of the term of that office. A "school district election coordinator" would be either: 1) a city or township clerk, for a school district whose entire territory lay within a single city or township; or 2) the county clerk of the county that contained the largest geographic portion of the school district, for a district with territory in more than one city or township.

The bill would require a school district to hold its regular school election at the odd-year November election, unless it was eligible, and chose, to hold the regular election in May. If, on the bill's effective date, a school district held its regular school election at other than the odd-year November election, it could hold its regular school election at the election (as proposed in Senate Bill 439 (S-1)) on the first Tuesday after the first Monday in May in each odd year, but only if the school board adopted a resolution to that effect before the bill's effective date. After that date, a school district that held its regular school election at the odd-year election in May could move its regular school election to the odd-year November general election, by resolution of the district's school board adopted in an even-numbered year.

A resolution adopted by a school board would not be valid unless the resolution was adopted at a meeting at which a public hearing was held on the issue, and the vote on the resolution was taken immediately following the hearing. The notice of the meeting would have to state specifically that a public hearing would be held on the issue of the school district's regular school election date. A school board could hold the public hearing in conjunction with a regularly scheduled board meeting.

If, after the bill's effective date, a school district were required or resolved to hold its regular school election at the odd-year November general election, the school district would have to continue doing so and would not be permitted to change its regular school election day.

Within 30 days after the bill's effective date, the school district election coordinating committee for each district would have to hold an initial meeting. A "school district election coordinating committee" would be one of the following:

- For a school district whose entire territory lay within a single city or township, a committee composed of the secretary of the school board, the city or township election commission, and the city or township clerk.
- For a school district that had territory in more than one city or township, a committee composed of the secretary of the school board and the clerk of each county, city, and township that contained any portion of the territory of the school district.

Within 14 days after convening the initial meeting, the school district election coordinating committee would have to file with the Secretary of State a report stating the arrangements that were agreed upon to conduct the school district's elections. Each coordinating committee member would have to sign the report and retain a copy. The participating parties would be bound by the arrangements for two years following the filing. Every two years after filing its initial report, a coordinating committee would have to meet and review and, if necessary, alter the arrangements. A coordinating committee would have to file an alteration to a report with the Secretary of State.

The school district election coordinator would be the filing official for the school district. In addition to receiving nominating petitions and requests from the school board to hold special elections, the coordinator would have to procure the necessary qualified voter file precinct lists; certify candidates, receive ballot proposal language, and print the necessary ballots; issue absent voter ballots; and appoint election inspectors.

If a city or township were holding an election for elective office or on a ballot proposal at the same time that a school district, located in whole or part in the city or township, was holding an election, the city or township clerk also would have to conduct the school district election within his or her jurisdiction. The clerk would have to use the same precincts that were used for State and Federal elections as the precincts for the school district election. If these precincts changed the polling place location for school district electors, the clerk would have to notify those electors of the location of the different polling place.

The bill specifies that the votes cast for a school board candidate or a question submitted to the voters would be subject to a recount, as provided in the Election Law. A person elected to a school board would be subject to recall, as provided in the Law and the State Constitution.

School Board Elections

Board Members. The bill provides that an individual would be eligible for election as a school board member if the individual were a citizen of the United States and a qualified and registered elector of the school district he or she sought to represent. A school board member would not include a board member of an ISD unless that ISD had adopted Sections 615, 616, and 617 of the School Code. (Those sections allow an ISD to submit to the school electors of its constituent districts the question of providing for the election of ISD board members by the electors within the districts, rather than by a body composed of a member of the board of each constituent district.)

A school board member's term of office would be four years, but would continue until a successor was elected and qualified. (Currently, under the School Code, the length of a board member's term is not specified.) A school board member's term would begin on November 20 immediately following the election, if elected at an odd-year November election; or, on May 20 immediately following the election, if elected at a May election.

The bill specifies that these provisions would not shorten the term of office of a school board member. If a member's term would be shortened due to the rescheduling of the

school district's regular election as prescribed in the bill, the member's term would continue until a successor was elected and qualified at the first regular school election after the member's term otherwise would have ended.

At least one school board member for a school district would have to be elected at the district's regular school election.

Vacancy. An elected board member's term of office would continue until a successor was elected and qualified, or until the office became vacant because of an event as described in the bill, such as the member's death, resignation, or conviction of a felony. (The events are the same as those in Section 1103 of the School Code, which Senate Bill 438 (S-1) would repeal.)

If a vacancy occurred because of such an event, unless it occurred within 90 days before the end of the member's term of office, the vacancy would have to be filled within 45 days by the appointment of a qualified and registered elector of the district by a majority of the remaining board members. The individual would hold the office until a successor was elected and qualified. The school board would have to request the appropriate local clerk to call a special election for the next regular election date. An individual elected at a special election to fill a vacancy would hold the office for the remainder of the former member's term.

If the remaining members of the school board failed to fill the vacancy within the prescribed time period, the board would have to request the school district election coordinator to call a special election. The individual elected to fill the vacancy would have to hold the office of school board member for the remainder of the former member's term.

Until a vacancy was filled, the remaining members of the school board would have all of the powers and duties established by law.

Candidates. For the name of a school board candidate to appear on the ballot, the candidate would have to file an affidavit as prescribed in the Michigan Election Law, and a nominating petition signed by a number of registered electors as determined under the Law. The bill would require a candidate to file a nominating petition and affidavit with the

school district election coordinator; require a nominating petition to be filed by 4 p.m. of the ninth Tuesday before the date of the election; and prohibit a candidate from withdrawing from an election unless he or she filed written notice with the school district election coordinator by 4 p.m. of the third business day after the last day for filing nominating petitions.

Canvassers. The bill would require the appropriate county, city, or township board of canvassers to canvass the votes for school board candidates in the regular school election in each school district. The number of candidates equal to the number of individuals to be elected, who received the greatest number of votes cast at the election (as set forth in the report of the board of canvassers), based upon the returns from the various election precincts or as determined by the board of canvassers as a result of a recount, would be elected to the office of school board member. Upon completing the canvass, the board of canvassers would have to make a statement of returns and certify the election of school board members to the secretary of the school board, the county clerk, and the local official who held the election. The official would have to file and preserve in his or her office the original statement of returns and certification of the canvassers of the election result. The local clerk who was the secretary to the board of canvassers immediately would have to execute a certificate of election and give it to the individuals declared elected.

Special School Elections

A school board could request that a ballot question be submitted to the voters of the school district, by filing a resolution that the school board adopted with the school district election coordinator. If a school board failed to fill a vacancy on the board within the time prescribed in the bill, the board would have to request the school district election coordinator to call a special election to fill the vacancy. The school district election coordinator would have to submit the ballot question or office to the electors at a special election called at least 60 days before the election day, and held on a day as proposed in Senate Bill 439 (S-1).

The school board would have to request the appropriate local clerk to call a special election by giving the required legal notice. The ballot

question or office to be voted on would have to be stated in the notice of the election, and the election would have to be called and held by the school district election coordinator.

The bill would eliminate certain provisions that allow school districts to hold elections on various dates, and would require these elections to be held as provided in the bill and as proposed in Senate Bill 439 (S-1).

A school district that requested a special election would have to pay each county, city, and township that conducted the election. If the special election were held in conjunction with another election held in the county, city, or township, the school district would have to pay to the county, city, or township 100% of the actual additional costs attributable to conducting the special election. If the special election were not held in conjunction with another election, the school district would have to pay to the county, city, or township 100% of the actual costs of conducting the special election. The local unit would have to present to the school district a verified account of actual costs of conducting the special election by the 84th day after the date of the election. The school board would have to pay or disapprove all or a portion of the verified account within 84 days after receiving it. If the school board disapproved all or part of the verified account, it would have to send a notice of disapproval, along with its reasons, to the local unit. Upon the local unit's request, the school board would have to review the disapproved costs with the local unit.

School boards, counties, cities, and townships would have to use an agreement between the Department of Treasury and the Secretary of State on what constituted valid costs, as a basis for preparing and evaluating verified accounts. The Secretary of State would have to assist school boards and local units in preparing and evaluating verified accounts.

Local Elections

The bill would require certain city, township, and village elections to be held on a regular election day, and delete various provisions that allow those local units to conduct elections at times other than a regular election day.

Currently, upon determining that recall petitions contain sufficient signatures, the county clerk must submit to the county election scheduling committee a proposed date for a special election. The bill would require the county clerk, instead, to schedule the special election subject to the bill's requirements and as provided in Senate Bill 439 (S-1). Further, Senate Bill 440 (S-2) would remove current requirements for scheduling an election if a recall is successful, and instead require an election to fill a vacancy caused by a successful recall to be held at the next regular or special election date as provided in Senate Bill 439 (S-1) that was not within 50 days after the recall election.

Senate Bill 440 (S-2) would repeal provisions in the Law that do the following:

- Allow local elections to be held in April of odd-numbered years.
- Require certain township primary elections to be held in February.
- Require a county, city, township, village, or school district to submit an election schedule for special elections to the county election scheduling committee, and prescribe the membership of the committee.
- Allow home rule cities, school districts, community colleges, cities, and villages to hold elections on various dates as provided in the Law.

Tie-Bar

The bill is tie-barred to Senate Bills 438 and 439.

Senate Bill 441 (S-1)

The bill provides that if, on January 1, 2003, a city held its primary at the September primary election, the city could continue to hold a September primary only if its legislative body adopted a resolution, before January 1, 2003, to continue to hold a September primary. (Under Senate Bill 440 (S-2), a September primary would have to be held in an odd-numbered year.) After January 1, 2003, a city that held a September primary, could, by resolution of its legislative body adopted in an even-numbered year, move its primary to August of odd-numbered years. To be valid, the resolution would have to be adopted at a

meeting at which a public hearing was held on the issue and the vote on the resolution was taken immediately following the hearing. The meeting notice would have to state specifically that a public hearing would be held on the issue of the city's primary election date. The city's legislative body could hold the public hearing in conjunction with a regularly scheduled meeting of the legislative body.

If, after January 1, 2003, a city were required or resolved to hold its primary at the odd-year primary election, the city would have to continue doing so and would not be permitted to change its primary election day.

To make the transition to the regular election dates established in the Michigan Election Law (as proposed in Senate Bill 439 (S-1)), the term of office for an elected city official would be extended until a successor took office after being elected in the first odd-year November election.

The bill would require the city charter of a home rule city to provide for the time, manner, and means of holding elections and the registration of electors as provided in the bill, and other applicable laws.

The bill specifies that a ballot question to incorporate, consolidate, or change the boundaries of a city, village, or township under the Home Rule City Act could not be submitted at a special or general election to be held less than 60 days after the county board of commissioners adopted a resolution to submit the question to the voters, or less than 60 days after the Secretary of State transmitted certification that the petition and accompanying affidavits complied with the Act (in instances in which the territory in question would affect more than one county).

The bill would eliminate provisions that allow a home rule city to hold a city election in February and April.

The bill is tie-barred to Senate Bills 438, 439, and 440.

Senate Bill 442 (S-1)

The bill provides that, notwithstanding any charter provision of a home rule village, an election under the Home Rule Village Act would be subject to the provisions of the

Michigan Election Law that would prescribe dates for elections, as proposed in Senate Bill 439 (S-1). If necessary to make the transition to the required election dates, the term of office for an elected village official would be extended until a successor took office after being elected in the first odd-year November election.

Currently, a village election for the president, clerk, or legislative body may be by partisan, nonpartisan, or preferential ballot. The bill would require these village offices to be filled in a nonpartisan election. This requirement would not apply until January 1, 2004, if a nonpartisan village election were not provided for in the village charter on the date that the bill took effect.

The bill is tie-barred to Senate Bills 438, 439, and 440.

Senate Bill 443 (S-1)

The bill provides that an election held under the General Law Village Act would be subject to the provisions of the Michigan Election Law that would prescribe dates for elections, as proposed in Senate Bill 439 (S-1). If necessary to make the transition to the required election dates, the term of office for an elected village official would be extended until a successor took office after being elected in the first odd-year November election.

Currently, the Act requires village elections to be partisan, unless there is a village ordinance to require nonpartisan elections. The bill would delete these provisions and require that beginning January 1, 2003, village elections be nonpartisan. This requirement would not apply until January 1, 2004, if a nonpartisan village election were not provided by an ordinance adopted before January 1, 2003.

The bill would eliminate provisions that allow annual village trustee elections, and that allow trustee elections in March.

The bill is tie-barred to Senate Bills 438, 439, and 440.

Senate Bill 444

The bill would require that an election under the Community College Act be called,

administered, conducted, and canvassed as provided under the bill and the Michigan Election Law. A regular community college election would have to be held at the same time as the November school election under the Michigan Election Law, as it would be amended by Senate Bill 440 (S-2). A special election under the Act would have to be held on an election date established under the Michigan Election Law, pursuant to Senate Bill 439 (S-1).

Several different types of community college districts may be established and operate under the Act. Chapter 1 of the Act pertains to community college districts that comprise one or more counties; Chapter 2 deals with community college districts that comprise local school districts; Chapter 3 addresses community college districts that are composed of ISDs; and Chapter 5 regulates an ISD that has a population of more than 1.5 million and is a community college district (i.e., Wayne County Community College). Senate Bill 444 generally would revise election dates for all of them, consistent with Senate Bills 439 (S-1) and 440 (S-2). (Senate Bill 444 would not change the election cycle for the board of trustees of Wayne County Community College, which holds elections at the general election in November of even-numbered years.)

Currently, a community college district, or its component ISDs or local school districts, may schedule or call an election for various purposes, including the organization of a community college district, the annexation of another jurisdiction into a community college district, the election of community college district trustees, and propositions put forth by a community college district board of trustees. The bill would require instead that a community college district, ISD, or local school district request the appropriate local clerk to schedule or call an election pursuant to Senate Bill 440 (S-2). Also, under Senate Bill 444, the final results of community college district elections would have to be canvassed by the appropriate county, city, or township board of canvassers rather than by an ISD's or local school district's board of canvassers.

In addition, various provisions of the Act require the secretary of an ISD or local school district to schedule an election on a community college district matter at the ISD's or school district's annual election, if the ISD

or school district board is notified of the matter within a certain period before the election. The bill, instead, would require that elections be scheduled at the November school election, as provided in Senate Bill 440 (S-2). Currently, if the board is notified before or after the prescribed period, the secretary must call a special election on a specified date. Senate Bill 444 would require instead that a school board request that the appropriate local clerk call a special school election as provided under Senate Bill 440 (S-2).

Senate Bill 444 also would repeal sections of the Act that require community college boards of trustees to pay election expenses to local units or school districts upon the presentation of statements for those costs. Under these sections, the statement may not include charges for use of equipment or services of regular personnel unless otherwise agreed upon by the parties (MCL 389.20, 389.40, and 389.60).

The bill is tie-barred to Senate Bills 438-440 and 760.

Senate Bill 760

The bill would eliminate a number of provisions in the Michigan Election Law that pertain to elections by and within school districts; and would allow certain candidates for office to pay a filing fee rather than submit nominating petitions. The bill would delete provisions that do the following:

- Require a city or township clerk to send to a school district information on the application of a person registering to vote.
- Allow a voter to sign a registration card at the office of the secretary of a school district.
- Allow a school district or ISD to use a voter registration list.
- Require a local election clerk to notify a school district of canceled voter registrations.
- Require the Secretary of State to instruct school officials about voter registration procedures and election requirements.
- Require the Secretary of State and local clerks to record in the qualified voter file voter registration applications taken by the secretary of a school board.
- Require the secretary of a school board to release certain registration records.

- Allow recall petitions to be signed by electors who are not registered.

The bill provides that instead of filing nominating petitions, an individual could become a candidate for a nonpartisan office or to replace a recalled school board member by paying a \$100 nonrefundable fee to the local election clerk. (Alternatively, a candidate still could file nominating petitions, as prescribed in the Law.)

The bill also would repeal Section 758c of the Law, which provides that a qualified and registered elector of a community college, whose election precinct contains fewer than 50 registered electors, must be considered an absent voter and must receive a ballot mailed by the local clerk.

The bill is tie-barred to Senate Bills 438-440.

- MCL 380.4 et al. (S.B. 438)
- Proposed MCL 168.644 (S.B. 439)
- MCL 168.2 et al. (S.B. 440)
- 117.3 et al. (S.B. 441)
- 78.4 et al. (S.B. 442)
- 62.1 et al. (S.B. 443)
- 389.2 et al. (S.B. 444)
- 168.30a et al. (S.B. 760)

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Many people, when considering elections, typically think of the even-numbered-year November election at which a President, Governor, Attorney General, Secretary of State, and State Senators are elected every four years, and at which Representatives to the Michigan House and Congress are elected every two years. Cities, villages, townships, counties, school districts, and community colleges, however, also elect officers as well as ask the public to decide millages and other ballot questions. Many of these officials and ballot questions are placed before the voters at times other than the November even-year election, and many of these elections require a primary election before the general election. In effect, the voters may be presented with a confusing array of elections, held at numerous times in a calendar year. This is not

conducive to good democracy, and contributes to dismayingly low voter turnout at nearly all elections. In fact, there have been widespread reports of school and local elections regularly attracting under 10% of registered voters. By consolidating elections, establishing standard election dates, and restricting times when schools and local units could hold elections, the bills would reduce voter confusion and apathy, increase participation, and reduce election costs.

Response: While consolidating elections could increase the percentage of voters appearing at a given election, it is not clear how reducing the number of elections would increase overall voter participation.

Supporting Argument

Under the current system, school districts are allowed to conduct far too many elections, and can do so just about any time they want. This has resulted, in some areas of the State, in a proliferation of elections held at various times, and in places that might not be the same polling places voters use during a general election. The frequency of elections can have a negative effect on both the voters and a school district; too many elections can cause voters to lose interest, and cause school districts to spend far more on elections than is necessary. The bills would consolidate school elections and limit their number, thus streamlining the school election process and making it more cost effective. This means that money now spent on elections would be available for education. Furthermore, by requiring regular school elections to be held in May or November of odd-numbered years, the bills would standardize the election process for schools and reduce voter confusion.

Supporting Argument

By moving from the School Code to the Election Law provisions that govern the administration and operation of school elections, the bills would, in effect, get school districts out of the election business. The bills would bring all elections under the Election Law, meaning that all elections would be conducted by local election officials under the guidance of the Election Law and State election officials. The bills would assist local election officials to standardize the election process, and increase the likelihood that voters will know what to expect and where to go on election day.

Supporting Argument

Until the passage of Proposal A in 1994, school districts had the option, or were often required by circumstances, to hold frequent elections to ask the voters for millage renewals or approvals. Now, school districts receive the bulk of their funding from per pupil foundation grants from the State and are, compared with previous times, quite limited in the amount of millage they can ask voters to approve. This has resulted in a reduction overall in the number of school district millage questions placed on the ballot. As a result, in many school elections, the only question on the ballot is the selection of a few school board candidates. This may cause low voter turnout for board elections. By requiring the election of school board members in May or November every other year, the bills would eliminate the problem.

Response: Steering school board elections to November actually could reduce the attention paid to the election of school board members, or any other school questions appearing on the ballot at that time. In some general elections, particularly those in which local candidates are elected, the ballots can be long and complicated. Adding school questions to the ballot, likely at the end, could cause important school matters to be overlooked amid larger general election questions. Worse yet, voters could quit before reaching and completing the school questions.

Opposing Argument

The bills would reduce the autonomy and control of local school boards, coming on the heels of School Code revisions in 1995 that purported to give local boards more control by granting school districts "general powers". By fixing the school elections to specified times, reducing the number of elections, and removing the control over school elections from school officials, the bills would limit school district flexibility. Local school officials know best what is needed in their districts. For instance, some communities may contain large numbers of people who commute to and from work, meaning that they are limited in the time during which they can vote on any particular day. To increase voter participation, some school districts have experimented with holding school elections on a Saturday. Under the bills, this option would be eliminated.

Furthermore, since local elections also are held in November, the bills would make it

difficult for school officials to focus voter attention on school issues. Combining school elections with local elections could produce a scenario in which a ballot contained different millage issues, addressing different subjects. This could result in competition among local units and their school districts for millage approvals on the same ballot. Instead of consolidating all elections, the bills perhaps should allow for a time during the year when all education questions, both State and local, could be held separate from general elections.

Opposing Argument

Requiring newly elected school board members to take office other than in July, which is the current situation, means that members would be assuming their duties halfway through the school fiscal year and partway through the academic year. This could cause problems for schools, particularly if membership changed substantially.

Response: Many elected officials, including members of the Legislature, assume office partway through a fiscal year and do so without disruption.

Opposing Argument

The bills could cause problems for local units of government. There is a concern that local clerks, who under the bills would have to conduct all school elections, would not be prepared to perform that task. This would be especially troublesome given that school district boundaries often include more than one city, village, or township, and many include more than one county.

In addition, the bills could require some cities and villages to amend their charters, to conform with the bills' requirements. Amending charters is a long and uncertain process, and it is questionable why local charters should have to be changed because of State requirements. Requiring local elections to be held only at specified times would constrict the flexibility of local units and erode local control.

Legislative Analyst: G. Towne

FISCAL IMPACT

State. The bills would have no fiscal impact on State government. The Bureau of Elections serves primarily in an advisory capacity for election administration.

Local. The result of election date consolidation for local jurisdictions would be indeterminate. Responsibility for the conduct of school district elections would be shifted from the secretary of the school board to a school district election committee and coordinator. The coordinator would be either a city, township, or county clerk. School districts will reimburse the appropriate clerks' office for actual election expenses. While it is clear how reimbursement costs for special school elections would be determined, the reimbursement process for regular school elections is not well defined.

The salaries of permanent employees, the cost of reusable supplies and equipment, and costs attributable to local special elections held in conjunction with statewide special elections are not approved costs for reimbursement. It is not likely that the bills would result in higher election costs for school districts. There may be some savings due to efficiencies in the administration of each election.

Senate Bill 440 provides for a report to be issued by the school district election coordinating committee detailing how a school district election would be conducted. Any changes in election costs resulting from these bills would depend upon the design of the individual plans. Since local jurisdictions maintain their own election administration records, the overall costs can not be accurately quantified.

Community Colleges. The bills would result in savings for community colleges. Currently, community colleges pay local units or school districts for their election expenses. When their elections coincide with other elections (city, school district, etc.), the colleges share the costs of those elections with the other participants. Senate Bill 444 would repeal the sections of law that require community colleges to pay election expenses to local units of government.

School Districts. Local or intermediate school districts would incur the additional costs of any special elections held to fill a vacancy on a school board. Currently, vacancies are filled by appointment by the remaining school board members. Senate Bill 440 would require a vacancy to be filled by appointment until a special election can be held to fill any vacancies; thus, the local or intermediate

school districts would be responsible for the costs associated with holding that special election.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.