



Senate Fiscal Agency  
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## BILL ANALYSIS



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Senate Bill 751 (Substitute S-1 as reported)  
Senate Bill 752 (Substitute S-2 as reported)  
Senate Bill 753 (Substitute S-1 as reported)  
Senate Bill 754 (Substitute S-1 as reported)  
Senate Bills 755 and 756 (as reported without amendment)  
Sponsor: Senator Cameron S. Brown (S.B. 751 & 753)  
Senator Michael Switalski (S.B. 752 & 755)  
Senator Roger Kahn, M.D. (S.B. 754 & 756)  
Committee: Education

Date Completed: 4-1-10

### **RATIONALE**

Under Michigan law, an election generally must be held on specific dates in February, May, August, or November. In 2003, changes to the Michigan Election Law permitted a school district to adopt a resolution to hold its regular election at the May regular election in odd years or in both even and odd years, or at the November regular election in both even and odd years. The Law also permits a school district that holds its regular election in May to change its election date to coincide with the November election, although many districts across the State still hold school district elections in May. Some are concerned that May elections are costly for districts and generate lower voter turnout than elections held in the fall. It has been suggested that school districts should be required to hold their elections at the regular election date in August or November, to save districts the expense of conducting separate elections.

- **Permit a school district to hold its regular election at the odd-year general election if one or more cities in the district that contained a majority of the district's electors conducted an odd-year general election.**
- **Permit a school district that, before the bill's effective date, held its regular election at the odd-year general election to continue holding its regular election at that time, if it adopted a resolution before March 31, 2011.**
- **Require a district to hold its regular election at the even-year August election if it failed to adopt a resolution to hold its regular election on a date in compliance with Section 642c.**
- **Prohibit a school district from changing the date of its regular election after March 30, 2011.**

### **CONTENT**

**Senate Bill 751 (S-1) would add Section 642c to the Michigan Election Law to do the following:**

- **Require school districts, as a rule, to hold their regular elections for school board members at the general November election or the even-year August election, beginning March 31, 2011.**

**Senate Bill 752 (S-2) would amend the definitions of "intermediate school district election" and "regular school election" in the Revised School Code to refer to Section 642c of the Election Law. The bill also would refer to the general November election or even-year August election, rather than the regular school election, in provisions relating to intermediate school board elections**

**Senate Bill 753 (S-1) would amend the Michigan Election Law to require a school district election to be held as provided in Section 642c, and remove references to a May regular election.**

**Senate Bill 754 (S-1) would amend the Michigan Election Law to provide that, if a regular election date were changed under Section 642c, the term of an official who was elected before the change took effect would continue until a successor was elected and qualified at the next regular election.**

**Senate Bills 755 and 756 would amend the Michigan Election Law to delete provisions permitting a school district to call a special election on a special election date.**

Senate Bills 751 (S-1) through 754 (S-1) are tie-barred to one another, and Senate Bills 755 and 756 are tie-barred to each other.

#### **Senate Bill 751 (S-1)**

The bill would require a school district, beginning March 31, 2011, to hold its regular election for the office of school board member at the general November election or the even-year August election. (The Law defines "general November election" as the election held on the November election date in even-numbered years.)

A school district could hold its regular school district election at the odd-year general election only if both of the following were met:

- At least one city that was located wholly or partly in the district conducted an odd-year general election.
- The city or cities contained more than 50% of the registered electors who were eligible to vote in the school district election.

If, before the bill's effective date, a school district held its regular election at the odd-year general election, the board of the district could choose to continue holding its regular election at that time by adopting a resolution at a public hearing. Within 30 days after adopting the resolution, the board would have to file it with the Secretary of State. After March 31, 2011, that district's

regular election would be at the odd-year general election.

At a public hearing before March 31, 2011, the board of a school district would have to adopt a resolution to hold its regular election at a date in compliance with proposed Section 642c. If a board failed to do so, beginning on March 31, 2011, the district would have to hold its regular election at the even-year August election. This requirement would apply to a school district that, before March 31, 2011, held its regular elections on any of the following dates:

- The odd year May regular election date.
- The May regular election date in both even and odd years.
- The odd year November regular election date.
- The even year November regular election date.
- The November regular election date in both even and odd years.

After March 30, 2011, a school district would not be permitted to change the date of its regular election.

#### **Senate Bill 752 (S-2)**

The Revised School Code defines "intermediate school district election" as an election called by an intermediate school board and held on the date of the regular school elections of constituent districts or on a date determined by the board under the Michigan Election Law. The bill would refer specifically to Section 642c of the Election Law.

"Regular school election" or "regular election" means the election held in a school district, local act school district, or intermediate school district (ISD) to elect a school board member in the regular course of the terms of that office, held on the school district's regular election date as determined under Section 642 or Section 642a of the Michigan Election Law. The bill would refer instead to Section 642c of the Election Law.

(Section 642 deals with regular election dates for a school district, city, or village. Section 642a permits a school board, city council, or village council to adopt a resolution to change its regular election date under certain circumstances. Those sections

are described in further detail in **BACKGROUND.**)

The Code permits an intermediate school board to submit to the school electors of the ISD's constituent districts a question of whether the ISD should adopt provisions for the popular election of members of the intermediate school board. The board must submit the question upon receiving resolutions adopted by the majority of the boards of the constituent districts. The bill would require the board to certify the question to the ISD's election coordinator.

Currently, the resolutions must be adopted between March 1 and the next July 1. The bill would require the resolutions to be adopted within a four-month period of time.

The Code requires the question to be presented to the electors at the next regular school election after sufficient resolutions have been filed with the school district filing official. The bill would require the question to be presented at the next regular election date occurring not less than 84 days after those resolutions had been filed.

If a majority of the school electors votes in favor of popular election of the ISD board members, members of the board must be elected at the next regular school election and then biennially thereafter at the regular school elections of the constituent districts. The bill would require the members to be elected at the next general November election or even-year August election as determined by resolution adopted by the members of the intermediate school board, and then biennially.

#### **Senate Bill 753 (S-1)**

The bill would require a school district election to be held as provided in Section 642c, rather than under Section 642 or 642a, of the Election Law.

Currently, a school board member's term begins on one of the following dates:

- If elected at a November regular election, January 1 immediately following the election.
- If elected at a May regular election, July 1 immediately following the election.

The bill would remove the reference to a May regular election. Instead, if a school board member were elected at an election held on an August regular election date, the member's term would begin on September 1 immediately following the election.

#### **Senate Bill 754 (S-1)**

The Election Law provides that if the regular election date for holding a jurisdiction's regular election is changed under Section 642 or 642a, the term of an official who was elected before the effective date of the change must continue until a successor is elected and qualified at the next regular election. Under the bill, that provision also would if a regular election date were changed under proposed Section 642c.

#### **Senate Bill 755**

Under the Election Law, a school district may call a special election to submit a ballot question to borrow money, increase a millage, or establish a bond if an initiative petition that is signed by a certain minimum number of registered electors is filed with the county clerk.

If the special election is not scheduled to be held on a regular election date, it must be held on a Tuesday. A special election may not be held within 30 days before or 35 days after a regular election date. A school district may call only one special election in each calendar year.

The bill would delete those and related provisions.

The Election Law requires a special election to be held on a regular election date, except as otherwise provided, and designates regular election dates in February, May, August, and November. The bill would retain these provisions.

#### **Senate Bill 756**

The Election Law permits a school board to submit a ballot question to the school electors on one of the following dates:

- A regular election date.
- A date when a city or township is holding an election, by adopting a resolution.
- A special election date.

The bill would delete the reference to a special election date.

If a special election is called, the school district election coordinating committee must schedule the special election date. The bill would delete that provision.

Proposed MCL 168.642c (S.B. 751)  
MCL 380.4 et al. (S.B. 752)  
168.302 (S.B. 753)  
168.644g (S.B. 754)  
168.641 (S.B. 755)  
168.312 (S.B. 756)

## **BACKGROUND**

Under Section 642 of the Michigan Election Law, a school district generally must hold its regular election at the odd-year general election, although a school board was permitted, under certain circumstances, to adopt a resolution by January 1, 2005, to hold its regular election on one of the following dates:

- The odd-year May regular election date.
- The November regular election date in both even and odd years.
- The May regular election date in both even and odd years.

Under Section 642a, if the board of a school district adopted a resolution to hold its regular election on a date other than at the odd-year general election, the board may change its regular election to one of the following:

- The odd-year general election.
- The general November election.
- The November regular election date in both even and odd years.
- The odd-year May regular election date.

## **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**

The bills would save money for school districts, freeing up resources that could be used in the classroom. When a school district conducts a stand-alone election, it must bear the entire cost of printing ballots and operating polling locations. An election typically costs the school district about

\$2,000 per precinct, and each precinct might receive only a small number of voters. Turnout at school district elections is frequently very low, in part because voters may not be aware of an election and also because of the inconvenience of making a separate trip to the polls for school district elections. Also, in some elections, the only question on the ballot is filling a school board position for which a candidate is running unopposed. In those cases, voters reportedly have complained about the wastefulness of holding a district-wide election for which the outcome was certain. While some have suggested that elections should be dispensed with if a candidate has no opponent, it would be preferable to combine the school board elections with the August primary or November general election, preserving the electoral process while also eliminating unnecessary spending.

Since general elections typically have higher turnout than school district elections, a combined ballot also would involve more people in making decisions that affect the school district. Some have argued that school district elections in May amount to "stealth elections", in which a small number of voters can approve school millages or other controversial questions. The bills would ensure that those issues were subject to more public scrutiny, so the electoral results more accurately reflected the will of the district's residents.

The bills also would save school districts money by requiring them to hold special elections to increase millage, issue bonds, or borrow money, on one of the four regular election dates identified in the Election Law, or on a date when a city or township was conducting an election. Districts would no longer be able to select a separate date for a special election.

### **Opposing Argument**

School districts should retain the ability to determine when to hold district elections. Many districts choose to elect new board members in May so those members have a chance to become familiar with their duties before the start of the school year. Holding a separate election also allows voters to focus solely on education issues. Combining elections would increase the complexity of the ballot, creating a risk that school district election issues would be lost among all of the other ballot questions. There is some

concern, as well, that school board elections would be subject to partisan politics if they were held during the August primary or November general election.

A combined election also could create confusion, because school districts often fall into more than one jurisdiction. County clerks would have to produce multiple ballots for voters inside and outside the district, and poll workers would have to ensure that each voter received the proper ballot.

For these reasons, it may be preferable to hold a separate election, and each school district is in the best position to make that determination.

Legislative Analyst: Curtis Walker

### **FISCAL IMPACT**

#### **Senate Bills 751 (S-1) to 754 (S-1)**

Currently, school board elections may be held in May or November, and can be held annually or biennially. According to data received a year ago, the vast majority of school board elections are held in May, and the rest are held in November. In fact, roughly 400 school board elections (or 73%) were scheduled for May, and the remaining 150 or so were scheduled for November. This legislation would require school board elections to be held at the November general election, the even-year August election, or, under certain conditions, the odd-year general election. Under any of these three scenarios, it is likely that a local election would already occur, and a school board election could "piggyback" onto that local election.

Under current law, if schools "piggyback" onto an election that is already going to occur, they incur virtually no costs. Therefore, if school board elections were limited to one of the three dates specified, and if other entities were already running elections on those dates, it is possible that there could be savings to schools of up to \$2,000 per precinct per election (net of the negligible costs attributable only to the portion of the election dedicated solely to schools, such as a portion of the ballot costs, or advertising of the ballot content pertaining to schools). Clearly, a large school district with many precincts would

incur a higher cost for an election than a smaller school district would, if not "piggybacking" onto a local election.

Statewide, there are 5,050 city/township precincts; data on the number of consolidated school precincts are not available at this time. After netting out the marginal costs incurred related solely to the school board member portion of the ballot, the maximum savings realized by the roughly 73% of school districts running May school board elections could reach close to \$7.0 million spread over the annual or biennial time frame in which the elections are held, if the number of consolidated school precincts is close to the number of city/township precincts. This calculation is derived from multiplying the 5,050 city/township precincts by \$2,000 per precinct multiplied by the 73% of districts running May school board elections.

#### **Senate Bills 755 and 756**

The bills would have no fiscal impact on State government.

There would be minimal savings to school districts due to the elimination of the "floater" date for special elections for the purpose of borrowing money, increasing a millage, or establishing a bond. On average, not more than 10 "floater" date special elections are held per year. School districts still would have the option to use one of the other four dates specified for the special elections, and it is presumed that instead of using a "floater" date, a district would choose one of the other four dates, therefore not generating any savings (unless the district chose a local election on which to "piggyback", which is an option already available).

Fiscal Analyst: Kathryn Summers

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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.