
Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

SFA**BILL ANALYSIS**

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 207 (as introduced 2-19-97)
Senate Bill 224 (as introduced 2-26-97)
Sponsor: Senator George A. McManus, Jr. (S.B. 207)
Senator Loren Bennett (S.B. 224)
Committee: Government Operations

Date Completed: 8-1-97

CONTENT

Senate Bill 207 would amend the Michigan Election Law to place in the Election Law provisions for conducting school elections, including provisions regarding the canvassing of school elections by local officials, filling vacancies on a school board, and submitting election questions to a district's voters; limit the dates upon which school elections could be held; and prescribe the payments that school districts would have to make to local units for conducting a school election. **Senate Bill 224** would amend the Michigan Election Law to provide for the conduct of school elections by local units of government. Senate Bill 224 is tie-barred to Senate Bill 207 and to House Bill 4106. House Bill 4106 would amend the School Code to repeal, on January 1, 2001, parts of the Code that provide for the administration and operation of elections by school districts. Further, the House bill specifies that beginning on January 1, 2001, a school district's regular election or a special election would be administered and conducted as provided in the Michigan Election Law (meaning that school elections would be conducted by local units of government according to the powers and duties prescribed in the Election Law, and not by school districts); and that a 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.

Senate Bill 207

The bill would recodify in the Michigan Election Law several provisions proposed to be repealed from the School Code (by House Bill 4106), regarding school district elections. The bill states that the provisions of the Election Law applicable to the conduct of elections would have to apply "as near as possible in all respects" to a general or special election conducted under the bill, unless otherwise specifically provided. Further, the bill would require that at least one school board member in each school district be elected in each "November school election", that is, the election held to elect members to school boards and the State Board of Education, to be held on the first Tuesday following the first Monday in November of each odd-numbered year.

Special and General Elections

Currently, Sections 1031 and 1032 of the School Code prescribe the powers and duties of a school board in holding a special election, including requiring a special election if 10% of the district's electors petition the school board to vote upon a question; and provide three dates (in April, June, and November) on which a district may hold its annual or biennial regular election. (House Bill 4106 would repeal these provisions and require a district, beginning January 1, 2001, to hold its regular school election on the first Tuesday after the first Monday of November in each odd-numbered year.) The bill would require a school board to submit a question to the vote of the district's electors upon the receipt of petitions signed by 5% or more of the registered electors of the district, but not less

than 25 electors. Further, the bill would allow a school board to submit a question to a vote of the electors. Upon a decision to submit a question to the vote of the registered electors of the district, or a determination by the school board that a petition met the lawful signature requirements, the question would have to be submitted at a special election held on the first Tuesday following the first Monday in April; the first Tuesday following the first Monday in August; or the first Tuesday following the first Monday in November.

A school board could not submit a question to the electors of the district unless the question to be voted upon was within the lawful authority of the qualified electors of that school district to decide. A school board could not submit a question unless the question was stated in the notice of the election.

If a school board called a special election to submit a question to the electors, the school district would have to pay to each county, city, and township conducting the election an amount determined as follows: 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 costs of conducting the election called by the school board. If the special election called by the school board were not held in conjunction with any other election held in the county, city, or township, the school district would have to pay to the local units 105% of the actual costs of conducting the special election. The county, city, or township would have to present to the school district a verified account of actual costs of conducting the special election, by the 90th day following the date of the election. The school board would have to pay or disapprove all or a part of the verified account within 90 days after the school district received it.

If the school board disapproved all or part of the verified account, the board would have to send a notice of disapproval along with the reasons for the disapproval to the local unit. Upon request of the local unit, the school board would have to review the disapproved costs with the local unit. School boards and local units would have to use an agreement made pursuant to the Election Law, on what constituted valid costs of conducting a Statewide special election, as a basis for preparing and evaluating verified accounts under the bill. The Secretary of State would have to assist school boards, counties, cities, and townships in preparing and evaluating verified accounts.

School Board Candidates/Affidavit and Petitions

The bill would place in the Election Law provisions that are similar but not identical to those proposed to be repealed in the School Code regarding candidates' affidavits and petitions. To obtain the printing of the name of a person as a candidate for the office of school board member upon the official ballots in the various election precincts of a school district, the candidate would have to file an affidavit (as required under the Election Law), and nominating petitions signed by a number of registered electors residing in the school district equal to at least 1% but not more than 2% of the total number of votes cast in the district for the member who received the greatest number of votes at the last election in which a member was elected. The number of signatures on the petition could not be less than 20.

If the school district comprised more than one county, city, or township, the candidate would have to file the nominating petitions and affidavit with the county clerk of the county of that candidate's residence. If the school district comprised one city or township or less, the candidate would have to file the nominating petitions and affidavit with the clerk of that city or township. The nominating petitions would have to be in a form prescribed in the Election Law. A county, city, or township clerk would have to receive nominating petitions for filing up to 4 p.m. of the 30th day before the date of the election. If the 30th day before the election fell on a Saturday, Sunday, or legal holiday, the clerk would have to receive petitions up to 4 p.m. of the next business day.

Canvassers

The bill would require the board of canvassers (as prescribed in the Election Code) to canvass the votes for candidates for the office of school board member in the November school election in each school district. The number of candidates for the office of school board member equal to the number of persons 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 have to be declared 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 appropriate filing official who received the nominating petitions in that school district. The official would have to file in his or her office and preserve the original statement of returns and certification of the canvassers of the result of the election. The official immediately would have to execute and cause to be delivered to the persons declared elected a certificate of election, certified by the official.

School Board Vacancy

If a vacancy occurred in the office of school board member, it would have to be filled within 45 days by election of a qualified and registered elector of the school district, by a majority of the remaining members of the school board. The person elected by the school board would hold the office until the next November school election. The school board would have to cause the remainder of the term of the vacancy to be filled by special election held in conjunction with the November school election. The person elected at that election to fill the vacancy would hold the office of school board member for the full remainder of the term of the former member. If the remaining members of the school board failed to fill a vacancy as required, the board would have to cause the vacancy to be filled at the next November school election by special election held in conjunction with that election. The person elected to fill a vacancy in this manner would hold the office of school board member for the full remainder of the term of the former member. Until a vacancy was filled, the remaining members of the school board would have all of the powers and duties established by law.

Recount/Recall

The bill specifies that the votes cast for a candidate for school board member 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 Election Law and the State Constitution.

Senate Bill 224

The bill provides that a township, city, or village board of election commissioners, in holding an election, would have to cause the ballots for any regular or special school election to be printed and delivered to the appropriate local unit at least 10 days before the election. Currently, the board of election commissioners must complete this task for any regular or special township, village, or city election.

Under the Election Law, recall petitions must be signed by registered electors of the electoral district of the official whose recall is being sought; however, in a school district where school electors are not required to be registered, persons who sign the petitions do not have to be registered electors. The bill would eliminate the provision regarding unregistered school electors, meaning that recall petitions for school board members would have to be signed by registered electors.

Currently, the Election Law contains provisions for the filing of candidate petitions to fill a school

board vacancy created by a recall, including a requirement that the petitions be filed with the school board's secretary or in the board of education office. The bill would require that the petitions be filed, instead, with the appropriate county, city, or township clerk.

The Election Law allows a community college district or a school district that is wholly or partly within a city or cities to hold an election at times and in a manner specified. The bill would remove school districts from these provisions.

Currently, regarding the registration of electors, the clerk of a city or township must transmit to the secretary of a school district information on the registration application of persons residing in the district. The bill would eliminate this provision. Further, the bill would eliminate current provisions that allow a voter's registration card to be signed in a school district's or secretary's office; allow a school district or ISD to use a registration list instead of the precinct registration file when a file is required; require the clerk of a local unit to notify a school district of a voter's canceled registration; and require the Secretary of State to instruct school officials regarding voter registration procedures.

The Election Law prohibits a person from signing more nominating petitions for the same office than there are persons to be elected to the office. The bill provides that a person who violated this provision would be guilty of a misdemeanor.

Proposed MCL 168.17 et al. (S.B. 207)
MCL 168.30a et al (S.B. 224)

Legislative Analyst: G. Towne

FISCAL IMPACT

The bills would have no fiscal impact on State government.

The bills could result in savings to school districts by requiring school board elections to take place at November general elections and coordinating special school elections with local units of government. Savings would depend on agreements between local units of government and school boards on what constituted valid costs of conducting elections compared with costs under the current system. Senate Bill 207 provides that if a special school election called by a school board were not held in conjunction with any other election held in the county, city, or township, the school district would have to pay 105% of the actual costs of conducting the election.

There are 555 K-12 school districts and 57 intermediate school districts in Michigan. There were 1,074 school millage elections in 1994 and 641 school millage elections in 1995.

Fiscal Analyst: E. Pratt
B. Bowerman

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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.