

NO NONREGISTRATION DISTRICTS

House Bills 5379-5381 as passed by the
House
Second Analysis (7-7-92)

Sponsor: Rep. James M. Middaugh
Committee: Education

THE APPARENT PROBLEM:

The School Code makes a distinction between a "nonregistration school district" and a "registration school district", the former being a school district in which registration as a general elector with the city or township clerk is not required of school electors. In a nonregistration district, a person can sign petitions and participate in school district elections without being registered to vote with the local municipal clerk. According to Department of Education estimates, there may be as many as 16 of these nonregistration school districts in existence. Apparently, there have been instances in which people who had voted in school elections were turned away from the polls in the last two general elections because they were not registered voters. To alleviate confusion among the public, it has been suggested that provisions for nonregistration districts be eliminated, thereby requiring people to be registered to vote in all school elections.

THE CONTENT OF THE BILLS:

House Bill 5379 would amend the School Code (MCL 380.5 et al.) so that nonregistration districts would no longer be permitted. The bill would require the secretary of the board of an affected district to give public notice of the change by publishing it at least twice in a general circulation newspaper in the district, and, optionally, also by posting the notice in three public places in each voting precinct in the district. The required notice would be in addition to all other required notices, and would have to be published or posted within 60 days of the bill's effective date. (Note: House Bills 5379 and 5381 say that they would take effect January 1, 1992; the bills passed the House in June, 1992 with the 60-day requirement.) House Bills 5380 and 5381 would make complementary amendments to the Michigan Election Law (MCL 168.558) and the Local Government Fiscal Responsibility Act (MCL 141.1233), respectively. House Bill 5381 is tie-barred to House Bill 5379.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bills have no fiscal implications for the state. (6-25-92)

ARGUMENTS:

For:

The bills would simply eliminate outdated and unnecessary provisions allowing nonregistration school districts, in which residents are qualified to sign petitions and vote in school elections without being registered to vote. Apparently, these provisions have been used primarily in rural areas that have operated in a town-meeting fashion in years past, but they seem outmoded now. The bills would make it clear that people must register to vote in school elections, which in turn would qualify more people to vote in general elections. They would also address the problem that arises when people who own vacation property but do not live in the community year-round are able to influence the outcome of school millage elections.

Against:

Unless affected residents actually register to vote, the bills would do little to allow more people to vote; in fact, they would seem to have the opposite effect, disenfranchising people who could at least vote in school elections.

POSITIONS:

The Michigan Association of School Boards supports the bills. (7-6-92)

The Bureau of Elections, in the Department of State, supports the bills. (7-7-92)

House Bill 5379 et al. (7-1-92)