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Senate Bills 751 through 754 (as introduced 8-19-09) Sponsor: Senator Cameron S. Brown (S.B. 751 & 753)

> Senator Michael Switalski (S.B. 752) Senator Roger Kahn, M.D. (S.B. 754)

Committee: Education

Date Completed: 3-4-10

CONTENT

<u>Senate Bill 751</u> would add Section 642c to the Michigan Election Law to do the following:

- -- Require school districts, as a rule, to hold their regular elections at the general November election or the even-year August election.
- -- 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.
- -- Prohibit a school district from changing the date of its regular election after December 31, 2009.

<u>Senate Bill 752</u> 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.

<u>Senate Bill 753</u> 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.

<u>Senate Bill 754</u> 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.

The four bills are tie-barred to one another. Senate Bills 751, 752, and 753 are described below.

Senate Bill 751

The bill would require a school district to hold its regular election for the office of school board member at the general November election or the even-year August election.

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

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- -- 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.

A school district that held its regular election before January 1, 2010, at the odd-year general election could choose to continue holding its regular election at that time by adopting a resolution. A school board would have to adopt 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.

If a school district's board failed to adopt a resolution before January 1, 2010, the district would have to hold its regular election at the even-year August election.

After December 31, 2009, a school district would not be permitted to change the date of its regular election.

Senate Bill 752

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 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**.)

Senate Bill 753

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.

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)

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.

Legislative Analyst: Curtis Walker

FISCAL IMPACT

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 for 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 but are forthcoming. 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.

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.