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SFA**BILL ANALYSIS**

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Senate Bill 202 (as introduced 2-19-97)
Sponsor: Senator Glenn D. Steil
Committee: Government Operations

Date Completed: 11-10-97

CONTENT

The bill would amend the School Code to repeal, on January 1, 2002, parts of the Code that provide for the administration and operation of elections by school districts; specify that a school district's annual 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); specify that annual school elections would have to be held in November; and provide that school bond questions submitted to the voters for approval would have to include an estimate of the cost of repaying the bonds. The bill would take effect January 1, 2002.

The bill provides that a school district, local act school district, or intermediate school district annual or special election would have to be administered and conducted as provided in the Michigan Election Law. 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 currently govern school elections, including provisions regarding notification of elections; voter challenges; ballot applications; the casting of ballots; duties of the 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 and the filling of vacancies.

The bill provides that the board of a general powers school district would have to hold its annual school election on the first Tuesday after the first Monday of November each year. (Currently, there is no requirement for when a school election must be held.)

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 annual school election held in an odd-numbered year, members of the board 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 board of a general powers school district 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 the board's adoption of a measure or question, the board would have to submit the measure or question to the electors of the school district at the next ensuing annual school election or at a special election. A special election could be called by the board as provided in the Michigan Election Law.

The bill provides that in an intermediate school district (ISD) that elected its board members, members would have to be elected at an election held in an odd-numbered year, and every two years thereafter for those members whose terms were to expire. The bill would eliminate current provisions that: allow an ISD to hold its annual election at other times; prescribe the content 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 on or before the fourth Monday in July. The bill would require the meeting to be held on or before the fourth Monday in January.

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 State Board of Education would have to develop and distribute to school districts guidelines on calculating the amounts.

MCL 380.3 et al.

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: E. Pratt
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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.