

## **XV. Election Dates and School Election Coordination**

All federal, state, county, city, township, village and school elections are restricted to the following four dates each year:

**The fourth Tuesday in February and the first Tuesday after the first Monday in May, August, and November.**

Exceptions are provided for:

- villages that opted to fill their elective offices on the odd year September election date;
- special elections called under the State Legislature; and
- school districts, intermediate school districts and community college districts that wish to present a millage proposal, bond proposal or a proposal to borrow funds on a date other than one of the four “fixed” election dates. (Certain limitations apply.)

### **School Election Coordinating Committees**

Michigan election law, MCL 168.305(1), required all school district “election coordinating committees” to file a report with the Secretary of State in early 2005 which set forth the arrangements made by the members of the committee for the conduct of the school district’s elections.

Michigan election law, MCL 168.305(2), provides the following:

“After filing its initial report under subsection (1) and until January 1, 2013, a school district election coordinating committee shall meet at 2-year intervals to review and, if necessary, alter the election arrangements set forth in its previous report. Beginning January 1, 2013, a school district coordinating committee shall meet at 4-year intervals. After each review, a school district election coordinating committee shall either notify the Secretary of State in writing that its previous report is not being altered or file with the Secretary of State a report with the alterations. Election arrangements made by the clerks of the jurisdictions participating in the school district election coordinating committee meeting are binding on the participating jurisdictions for at least 2 years after the report is filed, and each jurisdiction continues to be bound until an altered report is filed. Beginning January 1, 2013, election arrangements made by the clerks of the jurisdictions participating in the school district election coordinating committee meeting are binding on the participating jurisdictions until an altered report is filed

Given the above, all school district “election coordinating committees” must meet each odd numbered year at 4-year intervals starting January 1, 2013 to review the report the committee initially filed with the Secretary of State in 2005. Within 14 days after the meeting is convened, the committee must 1) notify the Secretary of State in writing that the committee’s previous report is not being altered or 2) file with the Secretary of State a revised report which reflects the committee’s desired alterations.

It merits emphasis that the above referenced report must be submitted for every local school district, intermediate school district and community college district in the state. This *includes* intermediate school districts that elect their board members at meetings as opposed to popular elections. (While the “consolidated elections” legislation did not change the meeting process most intermediate school districts use to elect their board members, the district’s “election coordinating committee” must meet to review the arrangements made for the conduct of the district’s special elections.)

**Any and all meetings held by “election coordinating committees” are subject to the Open Meetings Act and must be publicly posted as required under the Act.**

### **Members of School Election Coordinating Committees:**

Michigan election law specifies the individuals who must serve on the “election coordinating committees” organized for local school districts, intermediate school districts and community college districts as detailed below:

- If the local school district, intermediate school district or community college district is wholly contained within a single city or township, the *clerk of the city or township where the district is located* serves as the district’s “election coordinator.” The district’s “election coordinating committee” comprises the “election coordinator” (i.e., the city or township clerk), the other members of the city or township election commission and the secretary of the school board or his or her designee.
- If the local school district, intermediate school district or community college district falls in more than a single city or township, the *county clerk* serves as the district’s “election coordinator.” (If the district falls in more than a single county, the clerk of the county in which the largest number of the district’s registered electors reside serves as the district’s “election coordinator.”) The district’s “election coordinating committee” comprises the “election coordinator” (i.e., the designated county clerk), the clerk of each city or township in which the school district is located and the secretary of the school board or his or her designee.

\*\* In all cases, the designated “election coordinator” is responsible for chairing any and all meetings conducted by the “election coordinating committee.”

### **Organization of School District Election Related Duties:**

In an instance where a county clerk is responsible for serving as a school district’s “election coordinator,” it is important that all members of the “election coordinating committee” have a full understanding of those duties a city or township clerk has a right to assume at the local clerk’s option; those duties the county clerk can direct the city or township clerks to perform at the county clerk’s discretion; and those duties a city or township clerk can assume under an agreement reached with the county clerk. An explanation is offered below:

- The law provides that the clerk of any city or township that falls in the district can opt to conduct the district’s elections in his or her city or township. Clerks making this choice must

perform all of the duties associated with the conduct of the district's elections in his or her city or township. (Such cities and townships are commonly known as "**opt in**" jurisdictions.) Before exercising this option, the city or township clerk must consult with the other members of the city council or township board. Such agreements are binding for four years.

- The law stipulates that the county clerk may direct any city or township clerk in the district to distribute, receive and process absent voter ballot applications for the district's elections; provide voting equipment for the conduct of the district's elections; provide "the list of election inspectors for that city or township"; and notify the school district's electors of precinct and polling place location changes.
- The law stipulates that the county clerk may delegate all or a portion of his or her school election duties to a city or township clerk with the agreement of the city or township clerk. Such arrangements can be used to divide the duties associated with the conduct of the district's elections where the shared responsibility for the duties is deemed the most efficient and practical approach. Such agreements are binding for four years.

***Decisions which must be reviewed at school district "election coordinating committee" meetings chaired by county clerks:*** In an instance where a county clerk is responsible for serving as a school district's "election coordinator," the members of the "election coordinating committee" must review the following decisions at the January school district "election coordinating committee" meeting:

- **Are there any city or township clerks that wish to "opt in" and conduct the district's elections in his or her city or township?** As noted above, in any instance where a local school district, intermediate school district or community college district falls in more than a single city or township, the clerk of any city or township that falls in the district can opt to conduct the district's elections in his or her city or township.
- **How does the county clerk wish to handle 1) the distribution, receipt and processing of absent voter ballot applications and 2) arrangements for the voting equipment needed to conduct the district's elections?** A county clerk required to serve as an "election coordinator" of a local school district, intermediate school district or community college district may direct any city or township clerk in the district to distribute, receive and process absent voter ballot applications for the district's elections. In addition, the county clerk may direct any city or township clerk in the district to provide voting equipment for the conduct of district's elections.
- **Who is in the best position to handle the following election related duties for the school district: 1) acceptance of candidate filings 2) issuance of absentee ballots and acceptance of returned absentee ballots 3) appointment of election inspectors 4) voting equipment programming and testing 5) ballot proofing 6) publication of required registration and election notices 7) handling QVF related responsibilities (setting up election, production of precinct lists, updating voter history, etc.) 8) setting up the precincts on election day 9) handling election day issues and "troubleshooting" and 10) storing the voted ballots after the election?** A county clerk required to serve as the "election coordinator" of a local school district, intermediate school district or community college district may delegate all or

a portion of his or her school election responsibilities to a city or township clerk with the agreement of the city or township clerk. The law does *not* permit school “election coordinators” the authority to delegate duties associated with the administration of school elections to school board secretaries or school district personnel.

***Planning for school district “election coordinating committee” meetings:*** County clerks, city clerks and township clerks who are required to function as the “school election coordinator” for any local school districts, intermediate school districts or community college districts should plan for the district’s election “coordinating committee” meeting which must be conducted in January of the odd numbered year every four years starting January 1, 2013. Actions which can be taken to initiate the planning process include the following:

- Obtain an up-to-date map of the school district which clearly shows the boundaries of the district. (Michigan Department of Information Technology’s Center for Geographic Information can serve as a resource.)
- Obtain a list of the election related duties and responsibilities which are currently being performed to administer the school district’s elections. In an instance where the county clerk is responsible for serving as the district’s “election coordinator,” identify those election related duties and responsibilities that are being performed on the county level and those duties and responsibilities that are being performed on the local level.
- If the school district can choose to have its elections conducted on the odd-year May election date; odd-year November election date; even-year November election date; or annually on the November election date; contact the school district to determine if the school board is considering a change in its election date.

### **Election Date Options Extended to School Districts, Cities and Villages**

***School Districts:*** A local school district, intermediate school district or community college district that currently fills its board positions on any date other than the odd-year November election date may choose to conduct its regular elections on any of the following dates through the adoption of a resolution: odd-year May election date; odd-year November election date; even-year November election date; or annually on the November election date. In an instance where a school district adopts such a resolution, the date change takes effect “after December 31 of the year in which the resolution is adopted.” (MCL 168.642a (4) as amended under PA 71 of 2005)

A local school district, intermediate school district or community college district that currently fills its board positions on the odd-year November election date may choose to conduct its regular elections on the even-year November election date. In an instance where a school district adopts such a resolution, the date change takes effect “after December 31 of the year in which the resolution is adopted.” (MCL 168.642a (5) as amended under PA 222 of 2010)

***Cities:*** A city that currently fills its elective offices on the odd-year May election date, the even-year May election date or annually on the May election date may choose to conduct its regular elections on the odd-year November election date through the adoption of a resolution. In an

instance where a city adopts such a resolution, the date change takes effect “after December 31 of the year in which the resolution is adopted.” A city taking such action has no further options for changing its regular election date. (MCL 168.642a (1) as amended under PA 71 of 2005)

A city that currently fills its elective offices on the even-year November election date or annually on the November election date may choose to conduct its regular elections on the odd-year November election date and its primaries (if held) on the odd-year August election date through the adoption of a resolution. A city taking such action has no further options for changing its regular election date. (MCL 168.642a (2) as amended under PA 71 of 2005)

***Villages:*** A village that currently fills its elective offices on the first Tuesday after the second Monday in September in odd-numbered years may choose to conduct its regular elections on the even-year November election date through the adoption of a resolution. In an instance where a village adopts such a resolution, the date change takes effect “after December 31 of the year in which the resolution is adopted.” A village taking such action has no further options for changing its regular election date. (MCL 168.642a (5) as amended under PA 71 of 2005)

### ***Consideration of Election Date Options by School Boards, City Councils and Village Councils***

The following requirements must be observed:

At least one public hearing must be conducted by a local school board, intermediate school district board, community college district board, city council or village council prior to considering any of the above referenced election date options for adoption. (MCL 168.642(10) as amended under PA 292 of 2004)

A “record roll call vote” on the resolution must be conducted. (MCL 168.642(10) as amended under PA 292 of 2004)

The vote on the resolution may take place at the end of the final public hearing. If the resolution is adopted, a copy of the resolution must be filed with the Secretary of State. (MCL 168.642(10) as amended under PA 292 of 2004)

### **“Floater” Election Date Option Extended to School Districts**

A school district, intermediate school district or community college 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 is filed with the county clerk. The special election may be conducted on one of the four “fixed” election dates or on any Tuesday that falls more than 30 days before or 35 days after one of the four “fixed” election dates. A district may schedule no more than one special election under the petitioning process each calendar year.

The initiative petition must be filed with the county clerk no later than 4:00 p.m. on the tenth Tuesday prior to the proposed date of the special election.

The initiative petitions must bear the signatures of at least 3,000 voters who reside within the district or, if a lesser amount, 10% of the district’s electors who voted in the last gubernatorial

election. Any signatures appearing on the petition which are dated more than 60 days prior to the date the petition is filed with the county clerk are invalid. (MCL 168.641)

### **Reimbursement of Costs Associated with School Elections**

School districts, intermediate school districts and community college districts are required to reimburse any expenses incurred by a county, city or township when conducting a regular or special election on behalf of the district. If a regular or special school election is held in conjunction with another election conducted by the county or local jurisdictions involved, the school district, intermediate school district or community college district is responsible for any *added costs* attributable to the conduct of the district's regular or special election. If a regular or special school election is *not* held in conjunction with another election conducted by the county or local jurisdictions involved, the district is responsible for 100% of the costs attributable to the conduct of the district's regular or special election (MCL 168.315).

To initiate the reimbursement process, the county and local jurisdictions are required to provide the school board with "a verified account of actual costs" associated with the conduct of the district's regular or special election no later than the 84th day after the date of the election. Upon the receipt of a reimbursement request, the school board must "pay or disapprove all or a portion of the verified account" within 84 days.

Upon the request of a county, city or township, the school board is required to review any disapproved costs with the county, city or township. If an agreement on the disapproved costs cannot be reached, the Secretary of State is responsible for resolving the matter.

County and local jurisdictions must use the cost factors and standards established by the Department of State for the administration of the presidential primary reimbursement program when preparing reimbursement requests for school elections.

### **Reimbursement Costs Associated with Village Elections**

Villages are required to reimburse any expenses incurred by a township when conducting a regular or special election on behalf of the village. If a regular or special village election is held in conjunction with another election conducted by the township, the village is responsible for paying the township a proportionate share of the expenses involved. If a regular or special village election is not held in conjunction with another election conducted by the township, the village is responsible for 100% of the costs attributable to the conduct of the village's regular or special election. (MCL 168.642(7) as amended under PA 292 of 2004)

Given the above, a village that filled its elected positions in conjunction with the November general election must reimburse the township or townships in which the village is located a proportionate share of the election related expenses incurred by the township(s) including labor costs, rental charges, custodial fees, etc. When determining the village election costs, the following standards are recommended:

- In any precinct where 100% of the registered voters reside in the village, the village is responsible for 50% of the precinct management costs.

- In any precinct where less than 100% of the registered voters reside in the village, the village is responsible for 50% of the precinct management costs attributable to the village voters. For example, if 10% of the registered voters in the precinct reside in the village, the village would be responsible for 5% of the precinct management costs.