

School Elections and the Michigan Campaign Finance Act

Wayne County Association of School Boards

May 12, 2016

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[BOARD MEMBER ELECTION]

- Regular School Election Date (November regular election date, even-years only) (November 8, 2016).
- Citizen of U.S. and qualified and registered elector of the School District.
- Nominating Petition and Affidavit of Identity.
 - Due: 4 p.m. on the fifteenth Tuesday before the Election Date (July 26, 2016).
 - \$100 filing fee in lieu of Nominating Petition.
 - 4-year or 6-year terms.
- Candidate Manual: Michigan Elections

[SCHOOL BALLOT PROPOSALS]

- Voted Capital Improvement Bonds.
- Operating Millage Renewal, Restoration or Headlee Override.
- Sinking Fund.
- Recreation Millage.
- Regional Enhancement.

[SCHOOL ELECTION DATE OPTIONS]

- A school district may submit a ballot question, such as a bond proposal, to the school electors on one of the following dates:
 - Regular election date (i.e., one of the four fixed dates)
 - A date when a city or township within the school district’s jurisdiction is holding an election; or
 - A “floater” election date.
- Ballot question must be submitted to the school district’s Election Coordinator no later than 4 p.m. on the twelfth Tuesday before the election date.

[Three Fixed Regular Election Dates]

- The three fixed regular election dates are as follows:
 - First Tuesday after the first Monday in May;
 - First Tuesday after the first Monday in August;
 - First Tuesday after the first Monday in November.*

*The November regular election date, even-years only, is the school district's Regular School Election date.

Note: The March Presidential Primary election date is also an available election date (second Tuesday in March).

[REGULAR ELECTION DATES]

2016	2017
Tuesday, March 8, 2016 (Primary)	N/A
Tuesday, May 3, 2016	Tuesday, May 2, 2017
Tuesday, August 2, 2016	Tuesday, August 8, 2017
Tuesday, November 8, 2016*	Tuesday, November 7, 2017

*Regular School Election Date

[Floater Election Dates]

- Any Tuesday that falls more than 30 days before or 35 days after one of the four fixed regular election dates.
- Requires initiative petition.
- 3,000 signatures or 10% of voters who voted in the last gubernatorial election.

[MICHIGAN CAMPAIGN FINANCE ACT]

Act 388 of 1976

Sec. 57. Of The Michigan Campaign Finance Act

- (1) A public body or a person acting for a public body shall not use or authorize the use of **funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure or provide volunteer personal services that are excluded from the definition of contribution under section 4(3)(a).**

[MICHIGAN CAMPAIGN FINANCE ACT]

Definitions

"Contribution" means a payment, gift, subscription, assessment, expenditure, contract, payment for services, dues, advance, forbearance, loan, or donation of money or anything of ascertainable monetary value, or a transfer of anything of ascertainable monetary value to a person, made for the purpose of influencing the nomination or election of a candidate, for the qualification, **passage, or defeat** of a ballot question, or for the qualification of a new political party.

"Expenditure" means a payment, donation, loan, or promise of payment of money or anything of ascertainable monetary value for goods, materials, services, or facilities in assistance of, or in opposition to, the nomination or election of a candidate, the qualification, **passage, or defeat** of a ballot question, or the qualification of a new political party.

[MICHIGAN CAMPAIGN FINANCE ACT]

Excluded Activities

Section 57 of The Michigan Campaign Finance Act: Excluded Activities

Section 57 does not apply to any of the following:

- (a) The expression of views by an elected or appointed public official who has policy making responsibilities.
 - (b) **Subject to subsection (3)**, the production or dissemination of factual information concerning issues relevant to the function of the public body.
 - (c) The production or dissemination of debates, interviews, commentary, or information by a broadcasting station, newspaper, magazine, or other periodical or publication in the regular course of broadcasting or publication.
 - (d) The use of a public facility owned or leased by, or on behalf of, a public body if any candidate or committee has an equal opportunity to use the public facility.
- *****
- (f) An elected or appointed public official or an employee of a public body who, when not acting for a public body but is on his or her own personal time, is expressing his or her own personal views, is expending his or her own personal funds, or is providing his or her own personal volunteer services.

[“ELECTION GAG ORDER”]

Public Act 269: Adding New Section 57(3)

- (3) Except for an election official in the performance of his or her duties under the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, a public body, or a person acting for a public body, **shall not, during the period 60 days before an election in which a local ballot question appears on a ballot, use public funds or resources for a communication by means of radio, television, mass mailing, or prerecorded telephone message if that communication references a local ballot question and is targeted to the relevant electorate where the local ballot question appears on the ballot.**

- ★ Preliminary Injunction
- ★★ Permanent Injunction Against Secretary of State (Lawsuit Dismissed)

[MICHIGAN CAMPAIGN FINANCE ACT]

Advocate No! Inform Yes!

- School districts are prohibited from spending public funds or using other resources for campaign activities, including the election or defeat of candidates or ballot proposals.
- School Districts cannot expressly advocate for a ballot proposal but may use its resources to inform (i.e. factual information).

Do not use language like:	However, you may say:
This will really help our kids.	The bond issue is intended to benefit every child in the district.
This will benefit everyone in the district.	Make an informed decision.
We really need your help.	There is a lot of information available.

[MCFA: Public Officials]

A **Board member or Superintendent** may express his or her views on a ballot proposal at any time without using school district resources. Statements should not imply that they are expressing the viewpoint of the entire school district or its school board.

A **Board member or Superintendent's** occasional, incidental use of public resources (such as telephones, computers, offices, stationary, or postage) to communicate his or her views on a ballot proposal to constituents or the media is permissible.

A **Board member or Superintendent** may discuss a ballot proposal at a school board meeting.

A school board may adopt a resolution supporting or opposing a ballot proposal.

[MCFA: VIOLATION?]

Scotch Elementary School

Dear Scotch School Neighbor,

My name is Sydney. I am a 4th grade student at Scotch Elementary School. I want to thank you for being part of our Scotch school community. I also want to invite you to our important events.

1) Please join us for the 25th anniversary of Scotch School on May 17th, 2014.

2) Please remember to vote on February 25th for the school millage renewal.

We look forward to celebrating with you
your Neighbor,
Sydney



Scotch Elementary School
5900 Commerce
West Bloomfield, MI 48324

Celebrating 25 Years



JAN 14 2014

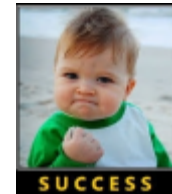


[CONSIDERATIONS: CHOOSING AN ELECTION DATE]

- Cost.
- Turn-out/ballot fatigue/other ballot issues?
 - “Stealth Election.”
- Coordination with construction timetable.

[WHAT'S NEW ON THE SCHOOL BOND FRONT?]

- Need for capital projects remains strong.
- Size and scope of projects have shifted from space addition to renovation, technology, and buses.
- Security, security, security!!
- Energy Conservation Improvements: Newer more efficient systems.
- Tax base recovery making it possible in some cases to bond with existing debt millage.
- Multiple bond proposals considered.
- Negative credit pressures? Interest rates still low – Michigan outlook ↑
- Proposed changes to the school Bond Qualification and Loan Program



[RECENT BOND ELECTION RESULTS]

Bond Election Results of Bond qualified under the School Bond Qualification and Loan Program:

May 2015	August 2015	November 2015	May 2016
14 Bond Elections	4 Bond Elections	25 Bond Elections	30 Bond Elections
4 Passed	2 Passed	19 Passed	23 Passed
10 Failed	2 Failed	6 Failed	7 Failed
29% Success Rate	50% Success Rate	76% Success Rate	77% Success Rate

★ 88% Success Rate for bond proposals with 0 mill increase
15 of 17 passed.

[BUILDING & SITE SINKING FUND MILLAGE]

- Voter approval.
- Up to 5 mills for up to 20 years.
- Purchase of real estate for sites for, and the construction or repair of, school buildings.
- NO EQUIPMENT OR FURNISHINGS.
- NO MAINTENANCE.
- Annual Audit.
- Maintenance – keeping in good condition – preventative.
- Repair – putting back in good condition – curative.
- ★ Legislative changes to allowable uses!

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