

2019 School Election Update

March 14, 2019

As we head into another election season, we thought it would be helpful to provide you with an update of the current election and campaign finance laws applicable to school district ballot proposals. The May 2019 election date is a Special School Election date, and we are aware that many school districts around the state are asking voters to consider various operating millage, sinking fund and bond proposals.

PROPOSAL 3: EXPANDED VOTER RIGHTS

Proposal 3, the initiative petition recently approved by voters, amended the Michigan Constitution and made important changes to the rights of Michigan voters. At the end of 2018, the Governor also signed into law legislation implementing these amendments to the Constitution. Of particular interest to school districts are the changes to election law regarding voter registration and absentee voting. These changes are summarized as follows:

Voter Registration

Under the Proposal 3 amendments and the implementing legislation, a person is now allowed to register to vote in person or by mail without submitting proof of residency up to and including 15 days before an election. The Proposal 3 amendments also allow a person to register in person up to and including the day of election if they provide proof of residency. Under prior law, a person was required to be registered at least 30 days before an election.

Absentee Voting

The Proposal 3 amendments and the implementing legislation now allow a voter to apply for an absentee ballot without having to provide a reason during the 75-day period before an election, up to and including the day of the election. It also provides that the voter may choose whether the absentee ballot is applied for, received and submitted in person or by mail.

Under prior law, a voter could only request an absentee ballot if they met one of the following six criteria for being an "absent voter": 1) 60 years or older; 2) Unable to vote without assistance at the polls; 3) Expecting to be out of town on Election Day; 4) In jail awaiting arraignment or trial; 5) Unable to attend the polls due to religious reasons; or 6) Appointed to work as an election inspector in a precinct outside of the voter's precinct of residence.

Election Information

School districts with upcoming elections may want to include a reminder of these changes in their informational material. For the May 7, 2019, Special School Election date, the 75-day period for requesting an absentee ballot before the election date began on February 21, 2019. The 15-day period before the election, which is the deadline to apply for voter registration without submitting proof of residency, begins April 22, 2019.

MICHIGAN CAMPAIGN FINANCE ACT

We also wanted to remind you that school district ballot proposals are subject to the Michigan Campaign Finance Act ("MCFA"). Under the MCFA, a school district is generally prohibited from using its resources to advocate for a ballot proposal. A school district is allowed to use its resources to inform the voters regarding a ballot proposal as long as the

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information is factual and objective. An important exception to this general rule is provided under the MCFA, which gives public officials such as board members and superintendents more leeway with regard to advocacy as long as school resources are not used to disseminate those views.

Please remember that any informational materials or robocalls disseminated by a school district in the 60 days immediately leading up to the election must indicate that they were paid for by the school district and include the school district's name and address.

To help school districts comply with these rules, we have prepared a *Do's and Don'ts for School Districts* guide which provides a short summary of the current campaign finance laws applicable to public school ballot proposals as well as answers to commonly asked questions regarding compliance with the MCFA. A PDF version of the guide can be found through the link below:

Michigan Campaign Finance Act - Do's and Don'ts for School Districts

2020 PRESIDENTIAL PRIMARY ELECTION DATE

School districts should also be aware that 2020 is a presidential primary year and there is an extra special election date of March 10, 2020, in addition to the other available election dates in May, August and November.

If you have further questions about how these changes affect your school district, please contact your Miller Canfield attorney or any of the authors.