



NDSBA
**NORTH DAKOTA SCHOOL
BOARDS ASSOCIATION**

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HB 1312
Testimony of Amy De Kok
House Political Subdivisions
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Chairman Longmuir and members of the House Political Subdivisions Committee, my name is Amy De Kok. I am the executive director of the North Dakota School Boards Association. NDSBA represents all 168 North Dakota public school districts and their governing boards. I am here to express opposition to HB 1312. HB 1312 proposes to shift local school elections from June to November and to transfer the primary administrative responsibility of these elections from local school boards to county governments. While the intent of this bill may be to streamline the election process, it raises significant concerns that I believe outweigh any potential benefits.

1. Loss of Local Control and Expertise

Local school boards have long been entrusted with the responsibility of administering school elections. Currently, approximately 75% of local school boards conduct and administer their school elections. These boards are intimately familiar with the unique needs and priorities of their communities. By shifting this responsibility to counties, we risk losing the specialized knowledge and close connection that local school boards provide. Counties, already tasked with significant election-related responsibilities, may lack the focus necessary to address school-specific issues effectively.

Under current law, school boards can already partner with a county or city to administer their elections. The parties agree to a cost-sharing agreement and the sharing of election administration responsibilities. School boards that have chosen to move from the default 3-year terms to 4-year terms often have the county run their elections as they only elect new members every two years instead of every year. The current system allows for this flexibility, and it is working well.

2. Diminished Focus on Education-Related Issues

Holding school elections in November alongside general elections could overshadow education-related issues. November elections are dominated by high-profile state and federal races, which often draw significant media attention. As a result, school board elections and ballot measures may receive less

visibility, diminishing voters' ability to engage with and make informed decisions on critical local education matters.

3. Negative Impact on School Operations

Local school districts operate on a fiscal year that begins on July 1 and ends on June 30. Under the current system, annual school elections are held sometime between April 1 and June 30 (with the large majority of school districts holding elections on the second Tuesday in June) and newly elected board members are seated at the annual meeting held in July at the start of the fiscal year and a few months before the start of the school year. This ensures that new members are fully engaged in the district's budgeting process, which is essential for planning and allocating resources effectively.

HB 1312 would move elections to November, requiring newly elected board members to take office in December—midway through the school year. This timing is problematic for several reasons:

- New board members would join during an ongoing fiscal year, potentially disrupting decisions already in progress.
- They would miss the opportunity to be part of critical summer budget discussions and planning, leaving them uninformed about key financial decisions.
- The midyear transition could hinder continuity and disrupt the board's ability to govern effectively, particularly during a critical time when schools focus on executing their plans for the upcoming academic year.

4. Disruption of Staff Evaluations and Employment Decisions

HB 1312 would also interfere with the board's ability to fulfill its responsibilities regarding staff evaluations and employment decisions, which are crucial to the effective operation of any school district. Under current law:

- School boards must conduct an evaluation of the superintendent's performance on or before November 15th each year. Moving elections to early November would significantly affect this process, as newly elected board members would not have sufficient time to assess the superintendent's performance adequately or fairly.
- Beginning in late December or early January, school boards must begin making staffing decisions, including nonrenewal of contracts, to meet statutory deadlines. If board members do not take office until December, they will lack the time and experience necessary to evaluate staff and make these critical decisions.

- The current practice of seating new board members in July ensures that they have several months to familiarize themselves with the district’s operations, staff, and needs before making significant employment decisions.

The proposed changes in election timing would reduce the board’s ability to act in the best interest of the district, its staff, and its students. This disruption to a well-established and effective timeline for evaluations and staffing decisions is not in the best interest of public education.

5. Inconsistencies Between Annual and Special Elections

HB 1312 appears to only address annual school elections, proposing that counties administer them in November. However, ND law authorizes school boards to hold special elections at any time throughout the fiscal year for any lawful purpose, such as:

- Filling a vacancy on the board,
- Increasing the limit of indebtedness,
- Approving a reorganization plan,
- Changing the size or term lengths of the board, or
- Seeking voter approval for a bond referendum or other measures.

These special elections, sometimes urgent and often tailored to the needs of the district, would remain under the responsibility of the school board. This bifurcated system creates inefficiencies and confusion, as it leaves school boards navigating two separate election processes—one under county control and one under local control. Such a split system undermines the goal of streamlined election administration and adds unnecessary complexity for both voters and administrators.

6. Potential for Increased Costs

Transferring election administration to counties does not necessarily reduce costs. Counties will need to allocate resources to handle the added responsibility of managing school elections, including training personnel and coordinating logistics. Moreover, local school districts may lose control over cost-sharing agreements that previously allowed them to manage elections in a cost-effective manner.

7. Voter Confusion and Accessibility

Moving school elections to November could lead to voter confusion due to the inclusion of multiple races and measures on a single ballot. Additionally, the complexity of November elections might discourage voters from participating in lower-profile school board races, potentially reducing voter turnout for these critical local decisions.

8. Undermining Community Engagement

School elections held in June allow for a focused discussion of educational priorities and provide an opportunity for the community to engage deeply with school-related issues. Moving elections to November risks diminishing this community engagement by blending school issues with broader political campaigns.

For these reasons, I urge the committee to issue a DO NOT PASS recommendation on HB 1312. The current system, where local school boards administer elections, ensures that education remains a priority and that the community has a clear voice in shaping its schools. Changing the election date and administrative structure would disrupt school operations, diminish the focus on education, and undermine local control. The midyear transition of board members taking office in December adds further complications, creating unnecessary disruptions to school governance and fiscal planning.

Thank you for your time and consideration. I am happy to answer any questions the committee may have.