



School Board Elections

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 Government Administration Committee
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I. Introduction.

- The North Dakota School Boards Association was incorporated in 1967 and exists to support school board members in the State of North Dakota through professional development, training, legal services, policy services, and legislative advocacy.
- Every school district in the state of North Dakota is a member of NDSBA.
- I am Amy De Kok and I am in-house legal counsel at NDSBA. I provide a vast array of legal services to our member school districts, including guidance relating to the process, procedure, and requirements of school board elections.
- I am here today to give you an overview of school board elections and to discuss the potential impact of holding school board elections in November in even-numbered years.

II. Overview of School Board Elections.

- **Annual Elections:**
 - Included in your packet of information is one-page election deadline guide. We provide this to our member districts each year to help guide them through the process.
 - **NDCC 15.1-09-22** provides that a board of a school district must hold an election each year between April 1st and June 30th to fill all vacancies, including those caused by the expiration of terms of office.
 - Typically, such elections are held on the second Tuesday of June each year.

- A school board is allowed to hold its annual election in conjunction with the regular election of a city located wholly or partially within the school district (NDCC 15.1-09-22).
- A school board may also hold its annual election in conjunction with a primary election in a county (NDCC 15.1-09-24).
- The school board and governing body of the city/county may agree to share election costs and responsibilities.
- The school district business manager is largely responsible to make sure the school board adheres to all of the statutory notice and filing requirements relating to school board elections (see NDCC ch. 15.1-09). This is in addition to the other duties performed by the business manager. The following are a few of these requirements:
 - **Notice of Deadline for Candidate Filing – 30 days before deadline to file.**
 - **Candidate Filing Deadline (Affidavit of Candidacy and Statement of Interest) – 64 days before election.**
 - **Preparation and Printing of Official Ballot – at least 40 days before election.**
 - **Absentee Ballots available – at least 40 days before election.**
 - **Designation of precinct(s) – at least 35 days before election.**
 - **Designation of polling places – at least 35 days before election.**
 - **Notice of Time and Place of Election – at least 14 days before election.**
 - **Deadline to canvass election returns – 6th day after election.**
 - **Notice to elected individuals – within 3 days after canvass.**
 - **Deadline to certify elected individuals and their terms – within 10 days of canvass.**
 - **Deadline to take affirmation or oath – within 10 days after receipt of notice and before commencing duties.**
 - **Deadline to contest election – within 14 days after final certification by canvassing board.**
- The term of each elected member of a school board is 3 years (except if electors vote to change to 4 years or when the member is completing the unexpired term of another).
- **Special Elections:**
 - In addition to the annual election, a school board may hold a special election at any time and for any lawful purpose.

- Several reasons to hold a special election, such as to fill vacancy on board, increase limit of indebtedness, increase or decrease size of board, change length of term of board members, and bond referendum.
- **Annual Meeting:**
 - NDCC 15.1-09-30(1) requires that each school board hold an annual meeting during the month of July following the annual election.
 - The term of a board member begins at the annual meeting in July following the member's election (NDCC 15.1-09-02).
 - The board elects officers (i.e. president and vice president) from amongst its members at the annual meeting to serve until the next annual meeting (NDCC 15.1-09-27).
 - The board sets the schedule of its required monthly regular board meetings at the annual meeting (NDCC 15.1-09-30(2)).

III. Potential Impact of Holding Elections in November in Even-numbered Years.

- Moving the election to November in even-numbered years will have a significant impact on how a school district operates. Many of the functions and obligations of the board are all based on the fiscal year and annual election cycle.
- By holding annual election sometime between April 1st and June 30th, the newly elected board is seated by mid-July at the latest.
- School districts run on a fiscal year starting July 1st and ending the following June 30th.
- Typically, the school year starts in late August or early September and ends in late May or early June.
- The annual budget, school calendar, employment contracts and other contracts all generally follow the timing of the fiscal year and the school year.
- The following are a few of the most notable impacts that school districts will face if the annual election date is changed.
- **Deadlines and Requirements:**
 - Numerous deadlines and requirements (see above) are all built off of the expectation that the annual election will occur in late spring/early summer.

- Many other provisions of the ND Century Code would need to be reviewed and considered if the annual election date is changed.
- **School calendar:**
 - If board is seated in July, it can make decisions in advance of the upcoming school year in terms of goals and opportunities.
 - If election is moved to early November, the board would not be seated until late November (assuming the annual meeting requirement is also modified for even-numbered years).
 - The district would already be well into the first semester of the school year and would be at the start of the holiday season.
 - For school districts, having the governing board take office during the middle of their fiscal and school year (as opposed to during summer vacation) would certainly have an impact.
 - Taking office while school is not yet in session provides the board with invaluable planning time and to prepare for the upcoming school year.
- **Budget:**
 - The school district budget is approved after July 1st by newly seated board and submitted to the ND Department of Instruction on or before August 15th.
 - The district must submit its certificate of levy to the county auditor on or before August 10th each year. (NDCC 57-15-13 and 57-15-31.1)
 - The budget may be amended on or before October 10th of each year. (NDCC 57-15-13 and 57-15-31.1)
 - If election moved to November, the newly seated board would be required to work with a budget approved by the prior board and would have no input until the following fiscal year.
 - No notable issues with budget deadlines occurring within a few months following annual election.
- **Business Manager:**
 - The school district business manager serves a very important and significant role in the operation of a school district in North Dakota.
 - The school district business manager has numerous obligations and duties relating to school district financing, accounting, reporting, and record keeping.

- If the annual election is moved to November in even-numbered years, this would like create concerns as to the workload of the school district business manager.
- For example, during those even-numbered years, many of the notice and preparation requirements tied to the annual election would fall in the month of September (prior to the election). The school district business manager already has significant reporting requirements and deadlines during this time (i.e. STARS Enrollment Reports).
- **Staff Evaluations and Employment Decisions:**
 - The board of a school district must conduct an evaluation of its superintendent's performance on or before November 15th of each year.
 - Moving the annual election to early November will clearly impact this process not only in terms of timing, but also in terms of the board's ability to adequately and fairly evaluate its superintendent.
 - In addition, the board is required to consider and make staffing decisions (i.e. nonrenewal) starting in late December or early January in order to meet certain statutory deadlines.
 - If the board does not take office until late November, it would likely not have a sufficient amount of time to gain knowledge and experience with its staff to make these very important decisions.
 - Rather, having the board take office in July prior to the start of the upcoming school year, allows the board the additional time to fairly and adequately evaluate its staff and the needs of the district in this regard.



2017 School Board Election Deadlines

Annual school board elections must be held between **April 1 and June 30** per NDCC 15.1-09-22. The following is a **mock timeline using June 13, 2017, as an example election date. If you have a different election date, compute your schedule in accordance with state law cited below.** Please note that if your school board election is held in conjunction with a county election, the county election board "shall administer the election in the same manner as the county or state election" per NDCC 15.1-09-13 (4).

March 2017							April 2017							May 2017							June 2017						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
			1	2	3	4						1		1	2	3	4	5	6					1	2	3	
5	6	7	8	9	10	11	2	3	4	5	6	7	8	7	8	9	10	11	12	13	4	5	6	7	8	9	10
12	13	14	15	16	17	18	9	10	11	12	13	14	15	14	15	16	17	18	19	20	11	12	13	14	15	16	17
19	20	21	22	23	24	25	16	17	18	19	20	21	22	21	22	23	24	25	26	27	18	19	20	21	22	23	24
26	27	28	29	30	31		23	24	25	26	27	28	29	28	29	30	31				25	26	27	28	29	30	
							30																				

March 11, 2017

Thirty days before the filing deadline for candidate names to be printed on the ballot, an official notice of this deadline must be published in the official newspaper of the city or county. (NDCC 15.1-09-09)

April 10, 2017

An individual seeking election to the board of a school district shall prepare and sign a document stating the individual's name and the position for which that individual is a candidate. A candidate shall also file a statement of interests as required by section 16.1-09-02. These documents must be filed with the school district business manager, or mailed to and in the possession of the business manager, by four p.m. of the **sixty-fourth day before** the election. (NDCC 15.1-09-08)

Each board of a school district that enters into an agreement with the county [to share election expenses] must notify the county auditor, in writing, **at least sixty-four days before** the election of the offices to be filled at the election and any measures to appear on the ballot. (NDCC 15.1-09-24) *NOTE: This deadline only applies to school districts holding the annual election in conjunction with a primary election and sharing election expenses with a county.*

May 4, 2017

At least **forty days before** the election, the business manager shall prepare and cause to be printed, or otherwise uniformly reproduced, an official ballot containing the names of all individuals who have indicated their intent to be candidates by meeting the provisions of section 15.1-09-08. (NDCC 15.1-09-11)

May 9, 2017

- At least **thirty-five days prior** to the annual election, the board of each school district shall designate one or more precincts for the election. The board shall arrange the precincts in a way that divides the electors of the district as equally as possible. (NDCC 15.1-09-13 (1))
- At least **thirty-five days prior** to the annual election, the board of each school district shall designate one or more polling places for each precinct. The board shall locate the polling places as conveniently as possible for the voters in the precinct. (NDCC 15.1-09-13 (2))

May 30, 2017

At least **fourteen days before** the date of an annual or special school district election, the school board shall publish a notice in the official newspaper of the district stating the time and place of the election and the purpose of the vote. (NDCC 15.1-09-09)

June 13, 2017

School board election

June 19, 2017

On the sixth day after the election, the school board shall meet to canvass all election returns and shall declare the result of an election. (NDCC 15.1-09-15)

June 20-22, 2017

Within three days after the canvass by the school board for a school district election, the business manager of the school district shall provide to each elected individual written notice of the individual's election and of the duty to take an affirmation or oath of office. (NDCC 15.1-09-17)

June 20-29, 2017

- Within ten days** after the canvass by the school board, the business manager shall certify the individuals elected and their terms to the county superintendent of schools. (NDCC 15.1-09-17)
- An individual elected as a member of or appointed to a school board shall take and file with the school district business manager an affirmation or oath of office **within ten days** after receiving notice of the election or appointment and before commencing duties. (NDCC 15.1-09-25)