

WASSA SPRING WORKSHOP

REFERENDUM AND ELECTION ISSUES

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Presented by:

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Kirk D. Strang
Shareholder, Labor and Employment

Mr. Strang chairs the firm's School Law Practice Group and is the Managing Shareholder of its Madison office.

Mr. Strang has extensive experience in school, labor and employment law issues, including labor relations, collective bargaining, family and medical leave, arbitration, employment policies and contract negotiations. He works with large and small private sector companies as well as public sector entities and practices at the agency, circuit court and appellate court levels.

Areas of Experience

- School Law
- Labor and Employment, including contracts, personnel policies, family and medical leave, collective bargaining, grievance arbitration, disability accommodation, wage and hour issues, unemployment and worker's compensation

Professional and Community Involvement

- State Bar of Wisconsin (Past Committees: Professionalism, Legislation, and Judicial Independence; Current Committee: Continuing Legal Education)
- State Bar of Wisconsin (Board of Directors, Labor & Employment Law Section 1998-2001)
- Wisconsin Academic Decathlon Board of Directors
- CESA Foundation Board of Directors
- Former President, Wisconsin School Attorneys Association
- General Counsel to the Wisconsin Technical College Boards Association

Articles, Publications and Lectures

- Contributing Author, "Public Sector Labor Law Relations in Wisconsin"
- Guest Lecturer, Wisconsin Association of School District Administrators, Wisconsin Association of School Superintendent's Assistants, and Association of Wisconsin School Administrators
- Chair, Annual State Bar of Wisconsin Employment Law Conference

Education

- J.D., University of Wisconsin-Madison, 1985
- B.A., University of Wisconsin-Madison, 1982

Admitted to Practice

- State of Wisconsin
- Wisconsin Supreme Court
- United States Court of Appeals for the Seventh Federal Circuit
- United States District Court for the Western District of Wisconsin

SCHOOL DISTRICT REFERENDUMS

I. WARNINGS ABOUT REFERENDUM ELECTIONS: EVERY CASE IS DIFFERENT

II. GENERAL REFERENDUM ISSUES AND CONCERNS

- A. The “public purpose” doctrine.
- B. Viewpoint discrimination and facilities use policies.
- C. Applications of these and other related principles.
 - 1. The superintendent’s “advocacy” and advocacy by other employees.
 - 2. Use of district time, instruments, and resources.
 - 3. Board member participation in advocacy groups.
 - 4. Structure and proximity of school board and referendum group meetings.
 - 5. Informational literature versus words of advocacy.
 - 6. Sending referendum literature home with pupils.
 - 7. Authorizing use of school facilities by referendum groups.
 - 8. Providing school district information to referendum groups.

III. COMMON STRATEGIC ISSUES ARISING IN REFERENDUM ELECTIONS

- A. Revenue limit referendum elections: recurring or non-recurring.
- B. Revenue limit referendum elections.
 - 1. Support of employee associations.
 - 2. Identification of financial needs.
 - 3. Should another vote be sought when referendums fail?
 - 4. Articulating negative consequences of a failed referendum.

- C. Bond referendum issues.
 - 1. Identifying expenditures needed.
 - 2. Illustrating how funds will be used.
 - 3. Identifying beneficiaries.
 - 4. Articulating negative consequences of a failed referendum.

IV. BOND REFERENDUM PROCEDURES

- A. Resolution calling for an election on proposed borrowing. Section 67.05(6a), Stats.
- B. Class 1 Notice within 10 days of initial resolution. Section 67.05(6a)(a)2, Stats.
- C. Referendum not less than 45 days after adoption of the resolution. Section 67.05(6a)(a)2a, Stats.
- D. Ballot notice must be provided no less than 42 days prior to the election. Section 8.37, Stats.
- E. Type A and E Notices.
- F. Type B, C, and D Notices.

V. REVENUE LIMIT PROCEDURES

- A. Resolution for revenue limit referendum which states the amount and whether it is recurring, non-recurring, or both. Section 121.91(3)(a), Stats.
- B. DPI must be notified within 10 days of adoption of the resolution. Section 121.91(3)(a), Stats.
- C. Referendum must be held not less than 42 days after the filing of the resolution with the official or agency responsible for preparing the ballots. Sections 8.37 and 121.91(3)(a), Stats.
- D. Type A through E Notices.

SCHOOL DISTRICT ELECTIONS

I. PRE-ELECTION

A. Notice of School District Election, Declaration of Candidacy and Nomination Papers

1. No later than the 4th Tuesday in November prior to the spring election, the school district clerk must publish a Type A notice, under s. 10.01(2)(a) of the school district election stating the time, place, and manner of filing declarations of candidacy and nomination papers, where required. Wis. Stat. § 120.06(6)(b).
2. All candidates for school board, including incumbents, are required to file a Declaration of Candidacy (Form EB-162) and a Campaign Finance Registration Statement (Form EB-1). In most school districts, candidates for school board are not required to file nomination papers in addition to the declaration of candidacy and campaign finance registration statement.
3. No later than 5:00pm on the first Tuesday in January prior to the spring election, or on the next day if Tuesday is a holiday, any qualified elector of the school district, including incumbents, may file a sworn declaration of candidacy, campaign finance registration statement and nomination papers, where required, with the school district clerk in the form provided in s. 8.21 at the place specified in the notice of the election.
4. In the event of a change in any of the information provided in the declaration, a candidate shall file an amended declaration under oath with the school district clerk. Wis. Stat. § 120.06(6)(b).
5. Once filed, a declaration of candidacy or nomination papers may not be withdrawn. Wis. Stat. § 120.06(7)(a).
6. No later than 5:00pm on the 2nd Tuesday in January, the school district clerk shall verify the declarations of candidacy or certify the names of the candidates who have filed valid nomination papers. In making verifications or certifications, the school district clerk shall designate the form of each candidate's name to appear on the ballot in the manner prescribed in s. 7.08(2)(a). Wis. Stat. § 120.06(7)(a).

B. Candidate Eligibility

1. The names of candidates, including incumbents, who have not filed declarations of candidacy and campaign finance registration statements shall not appear on the ballot.
2. The school district clerk may refuse to place a candidate's name on the ballot if the candidate:
 - a. is required to fill out nomination papers as required in s. 120.06(6), but has not done so; or
 - b. would not qualify for office due to age, residence or other impediment.

Wis. Stat. § 8.30.

C. Campaign Finance Law Registration

1. Candidates need to file a Campaign Registration Statement (Form EB-1) with the school district clerk. Wis. Stat. § 11.05(1) and (2).
2. A candidate must comply with the registration requirement no later than the time that he or she becomes a candidate as defined in s. 11.01(1).
3. If a candidate appoints a campaign treasurer, the Registration Statement must be signed by the treasurer as well.
4. If no registration statement has been filed by or on behalf of the candidate by the applicable deadline for filing nomination papers or a declaration of candidacy, the name of the candidate may not appear on the ballot. Wis. Stat. §§ 8.30(2); 11.05(2g).

D. Continuing Report Forms: The school district clerk must mail campaign finance law continuing report forms (see Form EB-2, and appropriate schedules and Short Form EB-2a) to registrants unless they have registered under the general reporting exemption under s. 11.05(2r) or have filed a suspension under s. 11.19(2). Whenever any notice of the filing requirements under the campaign finance law is sent to a candidate's campaign treasurer, the school district clerk shall also send notice to the candidate if he or she has appointed a separate treasurer. Wis. Stat. §§ 11.22(3); 11.20(4).

1. Campaign finance law continuing reports required under s. 11.06(1) shall be received by the school district clerk no earlier than January

1 and no later than January 31. This report must include all contributions received and transactions made as of the end of December 31. Wis. Stat. §§ 11.20(4) and (8)(b).

2. The school district clerk must determine whether each financial report or statement meets the requirements and notify any registrant who is delinquent in filing or failed to file in proper form (Wis. Stat. § 11.22(9)). make a list of delinquents for public inspection (Wis. Stat. § 11.22(5)), provide the required notices to the Government Accountability Board and the district attorney (Wis. Stat. § 11.22(4); and compile and maintain a current list of all reports and statements (Wis. Stat. § 11.22(6)). This is an ongoing requirement so long as a termination or suspension report is not filed. See Wis. Stat. §§ 11.19(1) and (2).
3. A person, committee or group may be exempt from further campaign finance filing requirements if the filing statement indicates that there is no anticipation of accepting contributions, making disbursements or incurring obligations in excess of an aggregate total of \$1000 in a calendar year and does not anticipate accepting contributions from a single source (except from the candidate) exceeding \$100. Wis. Stat. § 11.05(2r).
4. Pre-primary and pre-election reports under s. 11.06(1) shall be received by the school district clerk no earlier than 14 days and no later than eight days preceding the primary and the election. Wis. Stat. § 11.20(2). Such reports must include all contributions and transactions made as of the end of the 15th day preceding the primary. Wis. Stat. § 11.20(8)(a).
5. If any contribution of \$500 or more cumulatively is received by a candidate, or a committee, from a single contributor less than 15 days prior to the election or primary that is not included in the pre-primary or pre-election report, it must be reported (Form EB-3) to the board clerk within 24 hours of receipt. Wis. Stat. § 11.12(5).
6. Whenever any registrant disbands or determines that obligations will no longer be incurred, contributions will no longer be received or disbursements made, and the registrant has no outstanding incurred obligations, the registrant shall file a termination report with the school district clerk. Any registrant who determines that obligations will no longer be incurred, contributions received or disbursements made in an aggregate amount of \$1,000 may file a suspension report with the school district clerk. If a termination report or suspension report is not filed, the registrant must continue

to file periodic reports with the clerk. See Wis. Stat. §§ 11.19(1) and (2).

- E. Incumbent Notice: No later than 5:00pm on the second Friday preceding the latest time prescribed for filing declarations of candidacy an incumbent may file written notification (Form EB-163) with the school district clerk if the incumbent is not a candidate for reelection to his or her office. If an incumbent is not a candidate and fails to file this notification, the deadline for filing declarations of candidacy is extended for other candidates. Wis. Stat. § 120.06(6)(b).

II. ELECTIONS (INCLUDING PRIMARY ELECTIONS)

- A. A primary election is required if there are more than two candidates for any seat on a three-member school board or more than twice as many candidates as there are members to be elected to an unnumbered school board of more than three members. If there are more than twice as many candidates as there are members to be elected from any area to which members are elected pursuant to a plan of apportionment, or more than two candidates for any seat on a numbered school board, the school board shall require a primary election for such positions. Primary elections must be held in conjunction with the spring primary. Wis. Stat. § 120.06(7)(b).
- B. If a primary is required, it is held on the third Tuesday in February. Wis. Stat. § 5.02(22).
- C. The spring election is held on the first Tuesday in April. Wis. Stat. § 5.02(21).
- D. Not later than the 2nd Tuesday in January, or the next day if the first Tuesday is a holiday, the school district clerk shall determine the order in which the names of candidates shall appear on the ballot by supervising the drawing of lots. Wis. Stat. § 120.06(8)(b).
- E. The school district clerk must notify the municipal clerk of each municipality lying wholly or partially within the school district of the primary election, if one is to be held, and of the spring election and furnish such clerks with a copy of the notice of the school board election. Wis. Stat. § 120.06(8)(a).
- F. Where paper ballots are utilized at a primary or election, the school district clerk shall provide the municipal clerk with an adequate supply of ballots at least 22 days before the primary. The primary or election ballot should direct electors to “vote for one” where only one school board seat is at

issue. Where more than one school board seat is subject to a primary spring election, the ballot should direct electors to vote for not more than the number of school board seats subject to the primary election (See Forms EB-222, EB-223, EB-224, EB-225, EB-226 and EB-227). Wis. Stat. § 120.06(8)(d).

G. The clerk shall publish a Class 1, Type B notice, in accordance with Ch. 985, on the Monday before the primary election/spring election. If publication is made in a newspaper which does not publish on Monday, publication shall be made on the closest preceding day on which the newspaper publishes. If, due to the method of delivering newspapers in the school district, the school district clerk determines that more effective notice will be provided by publication at an earlier date, the school district clerk may publish the notice not earlier than three days before the primary. The notice must contain:

1. The date of the election;
2. The names of all candidates in the order in which they are listed on the ballot;
3. The location and open hours of polling places and a designation of which persons should vote at each polling place; and
4. A facsimile ballot and the relevant portions of the voting instructions under s. 10.02(3). Wis. Stat. §§ 10.01(2)(b); 120.06(8)(c).

H. Voting and Employee Leave

1. Any person entitled to vote at an election is entitled to be absent from work while the polls are open for a period not to exceed 3 successive hours to vote. The elector must notify the affected employer before election day of the intended absence and the employer may designate the time of day for the absence. Wis. Stat. § 6.76(1).
2. Employees appointed to serve as certain types of “election official(s)” are entitled to leave for the entire 24 hour period of each election day in which the official serves in his or her official capacity, but are required to give seven days notice of application for the leave. Wis. Stat. § 7.33(3).

I. Board of Canvassers

1. The school district clerk shall choose two qualified electors prior to the date of the election being canvassed who shall, with the school

district clerk, constitute the school district board of canvassers. If the school district clerk is a candidate at the election being canvassed, the other two members of the board of canvassers shall designate a third member to serve in lieu of the clerk for that election. Wis. Stat. § 7.53(3).

2. After the primary, if any, and after the spring election, the school district clerk shall:
 - a. Receive all ballots after they have been counted, reported and secured. Wis. Stat. § 120.06(8)(e).
 - b. Begin the canvass as soon as possible after receipt of the returns and shall continue, without adjournment, until completed. Wis. Stat. §§ 120.06(14); 7.53(3).
 - c. Retain and supervise the destruction of election materials from the primary and from the spring election pursuant to s. 7.23, insofar as applicable. Wis. Stat. § 120.06(8)(g).
 - d. Assure that the recount of a primary is conducted by the municipal and school district boards of canvassers pursuant to s. 9.01. Wis. Stat. § 120.06(8)(h).

NOTE: A duly selected and convened board of canvassers may constitute a governmental body for purposes of the open meetings laws; therefore, a meeting of the board of canvassers would be subject to the notice provisions under the open meetings law. Wis. Stat. §§ 19.83; 19.84.

- e. The board of canvassers must prepare a written statement certifying the names of the persons who have won nomination or election to the school board. Wis. Stat. § 7.53(3).

III. POST-ELECTION

A. Recounts

1. Any candidate that received a vote in any election may request a recount. The petitioner shall file a verified petition or petitions accompanied by the fee prescribed by law, if any, with the school district clerk not earlier than the time of completion of the canvass and not later than 5:00pm on the third business day following the

last meeting day of the board of canvassers determining the election for that office. Wis. Stat. § 9.01(1)(a).

2. As soon as the deadline for filing a petition for a recount has passed, the school district clerk shall certify nominations after the primary, or in the event of a spring election, notify the person by issuing a certificate of election to the person elected (Form EB-153). When a valid petition for a recount is filed, the school district clerk must not certify the nomination for the office in question, or in the case of a spring election, not issue the certificate of election for the office in question, until after the recount has been completed and the time allowed for filing an appeal has passed, or if appealed until the appeal is decided. Wis. Stat. §§ 7.53(3) and (4).
- B. Official Oath: On or prior to the fourth Monday in April, a school board member shall take and file the official oath. The school district clerk has authority to administer the oath of office. A notary public or other person with the authority to administer the oath may also administer the oath to members. The forms of the oath are set out in s. 19.01. An official oath form (Form EB-154) is included with other Government Accountability Board forms. Wis. Stat. §§ 120.06(4); 120.06(10); 120.42(2); 887(1).
- C. Take Office: School board members take office, provided they have taken and filed the official oath, on the fourth Monday in April. Wis. Stat. §§ 120.06(4); 120.42(2).
- D. Election of Officials
1. In the case of a common or union high school district school board with more than three members, the school board shall annually elect a school district president, treasurer, and clerk from among its members at a school board meeting held on or within 30 days after the fourth Monday in April. Wis. Stat. § 120.05(1)(c).
 2. Annually, on or within 30 days of the 4th Monday in April, the school board in a unified school district shall elect a school board president, vice president, clerk and treasurer from among its members and a school board secretary who need not be a member of the school board. Wis. Stat. §120.42(1).
 3. The clerk shall report the name and post office address of each officer of the school district, within 10 days after the election or appointment of the officer, to the clerk and treasurer of each municipality having territory within the school district. Wis. Stat. §§ 120.17(1); 120.44(2).

APPENDIX A
REFERENDUM LETTERS, NOTICES AND FORMS

[School District Letterhead]

[Date]

[Insert Name of Newspaper and Address]

Re: [Insert School District Name] (Class 1 Notices for Referendum Elections)

Dear _____:

Attached please find a copy of a Class 1 Notice concerning a school district referendum for publication. The Notice is to be published or posted within ten days of the [Insert School District Name] Board's adoption of the Initial Resolution authorizing a Bond Referendum.

In addition, enclosed please find a Class 1 Notice concerning the School Board's separate adoption of a Resolution for a Referendum to Exceed the State Revenue Limit.

Copies of these Notices will be provided electronically to you as well to facilitate publication.

Thank you for your attention to this information and please feel free to contact me if you have any questions.

Sincerely,

[Insert Name]
School District Clerk

[School District Letterhead]

[Date]

[Municipal Clerks]

Re: [Insert School District Name] (Referendum Questions and Ballots)

Dear Clerk:

Enclosed please find copies of two Resolutions that have been adopted by the [Insert School District Name] Board. The Resolutions are: (1) an Initial Resolution for a Bond Referendum, and (2) a separate Resolution for a Referendum to Exceed State Revenue Limits. The Resolutions were adopted by the [Insert School District Name] Board on _____, _____.

A copy of the School Board's Resolutions are attached in their entirety. In addition, in order to provide you with the questions to be submitted to referendum, a draft ballot for each referendum question is also enclosed.

Sincerely,

[Insert Name]
School District Clerk

[School District Letterhead]

[Date]

Department of Public Instruction
c/o Gene Fornecker
P.O. Box 7841
Madison, WI 53707-7841

Re: [Insert School District Name] (Referendum Election)

Dear Mr. Fornecker:

Attached please find copies of an Initial Resolution for a Bond Referendum, as well as a separate Resolution for a Referendum to Exceed Revenue Limits. The Resolutions were passed by the Board of Education for the [Insert School District Name] on [Insert Date].

The scheduled date for both referendum elections shall be [Insert Date of Election].

Please let me know if you have any questions or require additional information.

Sincerely,

[Insert Name]
School District Clerk

TYPE A NOTICE

NOTICE OF REFERENDUM

**[INSERT SCHOOL DISTRICT NAME]
[INSERT COUNTY NAME] COUNTY**

[INSERT DATE OF ELECTION]

NOTICE IS HEREBY GIVEN that at an election to be held in the [Insert School District Name] of [Insert County Name] County, on [Insert day and date of election], the following question will be submitted to a vote of the people:

Shall the [Insert School District Name] be authorized to issue General Obligation Bonds in an amount not to exceed \$[Insert amount] to authorize the issuance of General Obligation Bonds (the "Bonds") for the purpose of: [Insert description].

YES

NO

A copy of the entire text of the resolution directing the submission of the question can be obtained from the office of the School District Clerk.

Done in the [Insert City, Town or Village]
on _____, _____.

/s/

[Insert Name]
School District Clerk

TYPE B NOTICE
NOTICE OF ELECTION AND SAMPLE BALLOT

[INSERT SCHOOL DISTRICT NAME]
[INSERT COUNTY NAME] COUNTY

[INSERT DATE OF ELECTION]

OFFICE OF THE SCHOOL DISTRICT CLERK

TO THE ELECTORS OF THE [INSERT SCHOOL DISTRICT NAME]:

Notice is hereby given of a referendum election to be held in the [Insert School District Name] the [Insert date of election], at which the question identified below will be presented. The referendum question to be submitted to a vote appears in the sample ballot below.

INFORMATION TO ELECTORS

Upon entering the polling place, an elector shall give his or her name and address before being permitted to vote. Where ballots are distributed to electors, the initials of two inspectors must appear on the ballot. Upon being permitted to vote, the elector shall retire alone to a voting booth and cast his or her ballot except that an elector who is a parent or guardian may be accompanied by the elector's minor child or minor ward. An election official may inform the elector of the proper manner for casting a vote, but the official may not in any manner advise or indicate a particular voting choice.

On referendum questions, the elector shall make a cross (**X**) in the square or depress the lever or button at the right of "yes" if in favor of the question, or the elector shall make a cross (**X**) in the square or depress the lever or button at the right of "no" if opposed to the question.

Where marksense voting is used on referendum questions, the elector shall fill in the oval or connect the arrow next to "yes" if in favor of the question, or the elector shall fill in the oval or connect the arrow next to "no" if opposed to the question.

The vote should not be cast in any other manner. If the elector spoils a ballot, he or she shall return it to an election official who shall issue another ballot in its place, but not more than three ballots shall be issued to any one elector. If the ballot has not been initialed by two inspectors or is defective in any other way, the elector shall return it to the election official, who shall issue a proper ballot in its place. Not more than five minutes' time shall be allowed inside a voting booth or machine. Unofficial ballots or a memorandum to assist the elector in casting his or her vote may be taken into the booth and copied. The sample ballot shall not be shown to anyone so as to reveal how the ballot is marked.

After an official paper ballot is marked, it shall be folded so the inside marks do not show, but so the printed endorsements and inspectors' initials on the outside do show. The elector shall leave the booth, deposit the ballot in the ballot box, or deliver the ballot to an inspector for deposit, and shall leave the polling place promptly.

After an official marksense ballot is marked, it shall be inserted in the security sleeve so the marks do not show. After casting his or her vote, the elector shall leave the booth, insert the ballot in the voting device and discard the sleeve, or deliver the ballot to an inspector for deposit. If a central count system is used, the elector shall insert the ballot in the ballot box and discard the sleeve, or deliver the ballot to an inspector for deposit. The elector shall leave the polling place promptly.

An elector may select an individual to assist in casting his or her vote if the elector declares to the presiding official that he or she is unable to read, has difficulty reading, writing or understanding English or that due to disability is unable to cast his or her ballot. The selected individual rendering assistance may not be the elector's employer or an agent of that employer or an officer or agent of a labor organization which represents the elector.

The following is a sample of the official ballot:

OFFICIAL REFERENDUM BALLOT

**[INSERT SCHOOL DISTRICT NAME]
[INSERT COUNTY NAME] COUNTY**

[INSERT DATE OF ELECTION]

NOTICE TO ELECTORS: THIS BALLOT MAY BE INVALID UNLESS INITIALED BY 2 ELECTION INSPECTORS. IF CAST AS AN ABSENTEE BALLOT, THE BALLOT MUST BEAR THE INITIALS OF THE MUNICIPAL CLERK OR DEPUTY CLERK.

To vote on a question, make a cross (X) in the square at the **RIGHT** of YES if in favor of the question, or make a cross (X) in the square at the **RIGHT** of NO if opposed to the question.

REFERENDUM TO ISSUE GENERAL OBLIGATION BONDS [INSERT SCHOOL DISTRICT NAME]

Shall the [Insert School District Name] be authorized to issue General Obligation Bonds (the "Bonds") in an amount not to exceed \$[Insert amount] for the purpose of: [Insert description].

YES

NO

*The form of the reverse side of the ballot is attached.

(REVERSE SIDE OF BALLOT)

OFFICIAL REFERENDUM BALLOT

[INSERT SCHOOL DISTRICT NAME]
[INSERT COUNTY NAME] COUNTY

[INSERT DATE OF ELECTION]

(Insert name of municipality: city, town or village, and ward, if required.)

Ballot issued by

(initials of inspectors)

Absentee Elector's Ballot issued by

(initials of city, village or town clerk or deputy clerk)

Certification of Elector Assistance

I certify that the within ballot was marked by me for an elector who is authorized under the law to have assistance upon request, and as directed by the elector.

(signature of assisting individual)

**TYPE C NOTICE
NOTICE OF REFERENDUM**

**[INSERT SCHOOL DISTRICT NAME]
[INSERT COUNTY NAME] COUNTY**

[INSERT DATE OF ELECTION]

NOTICE IS HEREBY GIVEN, that at an election to be held in the [Insert School District Name] on [Insert date of election], the following question will be submitted to a vote of the people:

The entire text of the question that will appear on the ballot will be as follows:

Shall the [Insert School District Name] be authorized to issue General Obligation Bonds (the "Bonds") in an amount not to exceed \$[Insert amount] for the purpose of: [Insert description].

YES

NO

If a majority of the voting electorate votes "yes", the project would proceed following the referendum election. If a majority of the voting electorate votes "no", or an equal number of voters vote "yes" and "no", the project would not be approved and would not proceed.

EXPLANATION

The effect of a "yes" vote would be to authorize the School District to issue general obligation bonds in an amount not to exceed \$[Insert amount] for the purpose of: [Insert description].

The effect of a "no" vote would be to deny the School District the authority to issue general obligation bonds in an amount not to exceed \$[Insert amount] for the purpose of: [Insert description].

Done in the [Insert School District Name] on [Insert date].

/s/

[Insert Name]
School District Clerk
[Insert School District Name]

TYPE D NOTICE

LOCATION AND HOURS OF POLLING PLACE

At the referendum elections to be held on [Insert Date of Election], in the [Insert School District Name], the following polling place locations will be used for the wards indicated:

<u>Location</u>	<u>Wards</u>
(insert name of building and address)	(insert ward or ward numbers)
(insert name of building and address)	(insert ward or ward numbers)
(insert name of building and address)	(insert ward or ward numbers)

ALL POLLING PLACES WILL OPEN AT ___ A.M. AND WILL CLOSE AT 8:00 P.M.
(insert opening time)

If you have any questions concerning your polling place, contact the municipal clerk.

**(NAMES OF MUNICIPAL CLERKS)
(ADDRESSES)
(TELEPHONE NUMBERS)
(OFFICE HOURS, IF ANY)**

(If all polling places are accessible):

All polling places are accessible to elderly and disabled voters.

(If not accessible):

All polling places are accessible to the elderly and disabled except for (insert name of building and address). If you live in (insert ward or ward numbers served by this polling place) and have a special need requiring you to vote at an accessible polling place, please contact the municipal clerk.

TYPE E NOTICE

VOTING BY ABSENTEE BALLOT

Any qualified elector who is unable or unwilling to appear at the polling place on election day may request to vote an absentee ballot. A qualified elector is any U.S. citizen, who will be 18 years of age or older on election day, who has resided in the ward or municipality where he or she wishes to vote for at least 10 days before the election. If voter registration is required, the elector must also be registered.

TO OBTAIN AN ABSENTEE BALLOT YOU MUST MAKE A REQUEST IN WRITING.

Contact your municipal clerk and request that an application for an absentee ballot be sent to you for the primary or election or both. You may also request an absentee ballot by letter. Your written request must list your voting address within the municipality where you wish to vote, the address where the absentee ballot should be sent, if different, and your signature.

Special absentee voting application provisions apply to electors who are indefinitely confined to home or a care facility, in the military, hospitalized, or serving as a sequestered juror. If this applies to you, contact the municipal clerk.

You can also personally go to the clerk's office, complete a written application, and vote an absentee ballot.

**(NAMES OF MUNICIPAL CLERK)
(ADDRESS)
(TELEPHONE)
(OFFICE HOURS)**

THE DEADLINE FOR MAKING APPLICATION TO VOTE ABSENTEE BY MAIL IS 5:00 P.M., ON [INSERT DATE OF FRIDAY BEFORE ELECTION].

THE DEADLINE FOR VOTING AN ABSENTEE BALLOT IN THE CLERK'S OFFICE IS 5:00 P.M., ON MONDAY, [INSERT DATE OF MONDAY BEFORE ELECTION].

ALL VOTED BALLOTS MUST BE RETURNED TO THE MUNICIPAL CLERK SO THE CLERK CAN DELIVER THEM TO THE PROPER POLLING PLACE BEFORE THE POLLS CLOSE ON [INSERT DATE OF ELECTION].

ANY BALLOTS RECEIVED AFTER THE POLLS CLOSE WILL NOT BE COUNTED.

TYPE A NOTICE

NOTICE OF REFERENDUM

[INSERT SCHOOL DISTRICT NAME]

[INSERT COUNTY NAME] COUNTY

[INSERT DATE OF ELECTION]

NOTICE IS HEREBY GIVEN that at an election to be held in the [Insert School District Name] of [Insert County Name] County, on [Insert Date of Election], the following question will be submitted to a vote of the people:

Shall the [Insert School District Name] be authorized to exceed state revenue limits on a non-recurring/recurring basis by \$[Insert amount] for the [Insert amounts and years] for the purpose of [Insert description] (the "Revenue Limit Resolution").

YES

NO

Statement of the amount of excess revenue: This referendum would authorize the [Insert School District Name] to exceed state revenue limits on a non-recurring/recurring basis by \$[Insert amount] for the [Insert amounts and years].

A copy of the entire text of the resolution directing the submission of the question can be obtained from the office of the School District Clerk.

Done in the [Insert City, Town or Village]

on _____, _____.

/s/

[Insert Name]

School District Clerk

TYPE B NOTICE
NOTICE OF ELECTION AND SAMPLE BALLOTS

[Insert Date of Election]

OFFICE OF THE SCHOOL DISTRICT CLERK

TO THE ELECTORS OF THE [INSERT SCHOOL DISTRICT NAME]:

Notice is hereby given of a referendum election to be held in the [Insert School District Name] on the [Insert Date of Election], at which the question identified below will be presented. The referendum question to be submitted to appears in the sample ballot below.

INFORMATION TO ELECTORS

Upon entering the polling place, an elector shall give his or her name and address before being permitted to vote. Where ballots are distributed to electors, the initials of two inspectors must appear on the ballot. Upon being permitted to vote, the elector shall retire alone to a voting booth and cast his or her ballot except that an elector who is a parent or guardian may be accompanied by the elector's minor child or minor ward. An election official may inform the elector of the proper manner for casting a vote, but the official may not in any manner advise or indicate a particular voting choice.

On referendum questions, the elector shall make a cross (**X**) in the square or depress the lever or button at the right of "yes" if in favor of the question, or the elector shall make a cross (**X**) in the square or depress the lever or button at the right of "no" if opposed to the question.

Where marksense voting is used on referendum questions, the elector shall fill in the oval or connect the arrow next to "yes" if in favor of the question, or the elector shall fill in the oval or connect the arrow next to "no" if opposed to the question.

The vote should not be cast in any other manner. If the elector spoils a ballot, he or she shall return it to an election official who shall issue another ballot in its place, but not more than three ballots shall be issued to any one elector. If the ballot has not been initialed by two inspectors or is defective in any other way, the elector shall return it to the election official, who shall issue a proper ballot in its place. Not more than five minutes' time shall be allowed inside a voting booth or machine. Unofficial ballots or a memorandum to assist the elector in casting his or her vote may be taken into the booth and copied. The sample ballot shall not be shown to anyone so as to reveal how the ballot is marked.

After an official paper ballot is marked, it shall be folded so the inside marks do not show, but so the printed endorsements and inspectors' initials on the outside do show. The elector shall leave the booth, deposit the ballot in the ballot box, or deliver the ballot to an inspector for deposit, and shall leave the polling place promptly.

After an official marksense ballot is marked, it shall be inserted in the security sleeve so the marks do not show. After casting his or her vote, the elector shall leave the booth, insert the ballot in the voting device and discard the sleeve, or deliver the ballot to an inspector for deposit. If a central count system is used, the elector shall insert the ballot in

the ballot box and discard the sleeve, or deliver the ballot to an inspector for deposit. The elector shall leave the polling place promptly.

An elector may select an individual to assist in casting his or her vote if the elector declares to the presiding official that he or she is unable to read, has difficulty reading, writing or understanding English or that due to disability is unable to cast his or her ballot. The selected individual rendering assistance may not be the elector's employer or an agent of that employer or an officer or agent of a labor organization which represents the elector.

The following is a sample of the official ballot:

OFFICIAL REFERENDUM BALLOT

**[INSERT SCHOOL DISTRICT NAME]
[INSERT COUNTY NAME] COUNTY**

[INSERT DATE OF ELECTION]

NOTICE TO ELECTORS: THIS BALLOT MAY BE INVALID UNLESS INITIALED BY 2 ELECTION INSPECTORS. IF CAST AS AN ABSENTEE BALLOT, THE BALLOT MUST BEAR THE INITIALS OF THE MUNICIPAL CLERK OR DEPUTY CLERK.

To vote on a question, make a cross (X) in the square at the **RIGHT** of YES if in favor of the question, or make a cross (X) in the square at the **RIGHT** of NO if opposed to the question.

**REFERENDUM TO
EXCEED STATE REVENUE LIMITS ON A NON-RECURRING/RECURRING BASIS
[INSERT SCHOOL DISTRICT NAME]**

Shall the [Insert School District Name] be authorized to exceed state revenue limits on a non-recurring/recurring basis by \$[Insert amount] for the [Insert amounts and years] for the purpose of [Insert description]?

YES

NO

*The form of the reverse side of the ballot is attached.

(REVERSE SIDE OF BALLOT)

OFFICIAL REFERENDUM BALLOT

[INSERT SCHOOL DISTRICT NAME]

[INSERT COUNTY NAME] COUNTY

[INSERT DATE OF ELECTION]

(Insert name of municipality: city, town or village, and ward, if required.)

Ballot issued by

(initials of inspectors)

Absentee Elector's Ballot issued by

(initials of city, village or town clerk or deputy clerk)

Certification of Elector Assistance

I certify that the within ballot was marked by me for an elector who is authorized under the law to have assistance upon request, and as directed by the elector.

(signature of assisting individual)

TYPE C NOTICE
NOTICE OF REFERENDUM

[Insert School District Name]

[Insert Date of Election]

NOTICE IS HEREBY GIVEN, that at an election to be held in the [Insert School District Name] on [Insert Date of Election], the following question will be submitted to a vote of the people.

The question will appear on the ballot as follows:

Shall the [Insert School District Name] be authorized to exceed state revenue limits on a non-recurring/recurring basis by \$[Insert amount] for the [Insert amounts and years] for the purpose of [Insert description]?

YES

NO

If a majority of the voting electorate votes “yes”, the District would be authorized to exceed state revenue limits in the amounts and for the years designated in the referendum question. If a majority of the voting electorate votes “no”, or an equal number of voters vote “yes” and “no”, the District would not be authorized to exceed state revenue limits to maintain instructional programs.

EXPLANATION

The effect of a “yes” vote would be to authorize the School District to exceed state revenue limits on a non-recurring/recurring basis by \$[Insert amount] for the [Insert amounts and years] for the purpose of [Insert description] (the “Revenue Limit Resolution”).

The effect of a “no” vote would be to deny the School District the authority to exceed state revenue limits on a non-recurring/recurring basis by \$[Insert amounts] for the [Insert amounts and years] for the purpose of [Insert description] (the “Revenue Limit Resolution”).

Done in the [Insert School District Name] on [Insert Date].

/s/

[Insert Name]
School District Clerk
[Insert School District Name]

TYPE D NOTICE

LOCATION AND HOURS OF POLLING PLACE

At the referendum elections to be held on [Insert Date of Election], in the [Insert School District Name], the following polling place locations will be used for the wards indicated:

<u>Location</u>	<u>Wards</u>
(insert name of building and address)	(insert ward or ward numbers)
(insert name of building and address)	(insert ward or ward numbers)
(insert name of building and address)	(insert ward or ward numbers)

ALL POLLING PLACES WILL OPEN AT ___ A.M. AND WILL CLOSE AT 8:00 P.M.
(insert opening time)

If you have any questions concerning your polling place, contact the municipal clerk.

**(NAMES OF MUNICIPAL CLERKS)
(ADDRESSES)
(TELEPHONE NUMBERS)
(OFFICE HOURS, IF ANY)**

(If all polling places are accessible):

All polling places are accessible to elderly and disabled voters.

(If not accessible):

All polling places are accessible to the elderly and disabled except for (insert name of building and address). If you live in (insert ward or ward numbers served by this polling place) and have a special need requiring you to vote at an accessible polling place, please contact the municipal clerk.

TYPE E NOTICE

VOTING BY ABSENTEE BALLOT

Any qualified elector who is unable or unwilling to appear at the polling place on election day may request to vote an absentee ballot. A qualified elector is any U.S. citizen, who will be 18 years of age or older on election day, who has resided in the ward or municipality where he or she wishes to vote for at least 10 days before the election. If voter registration is required, the elector must also be registered.

TO OBTAIN AN ABSENTEE BALLOT YOU MUST MAKE A REQUEST IN WRITING.

Contact your municipal clerk and request that an application for an absentee ballot be sent to you for the primary or election or both. You may also request an absentee ballot by letter. Your written request must list your voting address within the municipality where you wish to vote, the address where the absentee ballot should be sent, if different, and your signature.

Special absentee voting application provisions apply to electors who are indefinitely confined to home or a care facility, in the military, hospitalized, or serving as a sequestered juror. If this applies to you, contact the municipal clerk.

You can also personally go to the clerk's office, complete a written application, and vote an absentee ballot.

**(NAMES OF MUNICIPAL CLERK)
(ADDRESS)
(TELEPHONE)
(OFFICE HOURS)**

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