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Office of the Secretary of State**

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May 28, 2025

To: Committee of Conference on H.454

**From: Sarah Copeland Hanzas, Secretary of State
S. Lauren Hibbert, Deputy Secretary of State
Sean Sheehan, Director, Elections and Campaign Finance**

Re: Considerations Related to Elections and School Redistricting

Dear Committee of Conference on H.454:

The Secretary of State's Office has been observing the legislative discussion on school redistricting. Early in the session, we testified before the House Committee on Education and House and Senate Government Operations about the ripple effects of redistricting on elections.

At this point, our understanding is that the legislature and the Governor have not agreed upon when the districts will be established and when the first election for board members will occur. It is our understanding that the ultimate goal is to elect board members in the November General Election. Depending on the timing of redistricting it may make sense to have an off-cycle election for board members before the November 2028 General Election. Currently in H.454, this special election is in March 2028.

As your committee does your work, we recommend using this document and our testimony as areas for consideration. The current proposal does not address all of the considerations below. We do not think it needs to at this time; however, we wanted to make sure these considerations were known as issues that will need to be addressed in further legislation.

The main areas of consideration are:

District Lines and Wards

Initial District Lines:

- VTSOS understands there are many policy and fiscal considerations that will go into the creation of larger school districts. Legislation should establish the new district boundaries and the number of school board seats.

- VTSOS supports establishing the number of seats in each new school district in order to achieve consistency across the state. This will minimize voter confusion and will better ensure a sense of fairness in this new school governance landscape.

Creating School District Wards:

- The process of creating voting wards within new school districts should follow the principles of apportionment followed by the legislative apportionment board.
- Wards should be compact, contiguous, and drawn to achieve substantially equal weighting of the votes within each district. With rare exceptions, wards should respect current municipal boundaries. Each district should have the same number of wards.
- VTSOS supports the creation of a School District Apportionment Board, established by legislation. The SDAB should include expertise from entities including VTSOS, Vermont Center for Geographic Information, and a technical mapping expert.
- Roughly following the Legislative Apportionment Board model, a SDAB should have a chair and four or six members. Members of the SDAB should have substantial understanding of Vermont geography, trade, travel, and social interaction.
- The SDAB would need 2-4 months to complete ward boundaries, depending on the number of school districts established by the Legislature.
- Ward boundaries would need to be passed and signed into law by May 15 of the election year to allow for elections in the November General Election, or by adjournment for an election the following March.

Reapportionment for Wards:

- Redistricting should happen every 10 years, in the biennium following legislative redistricting.

School Board

Interim Special Election (currently set in March 2028):

- It is not necessary to establish these details in H.454. However, the following details will need to be addressed at least 18 months before the election:
 - Format of the election – is this a universal vote-by-mail election?
 - Deadline for petitions for candidates?

Members of the School Board:

- The Administration's proposal calls for 5-member boards.
 - If a final plan creates larger boards, there should still be an odd number of members.
- Districts should be divided into apportioned wards.
 - Each ward should have one school board member.
- Terms: The legislature should determine the terms for School Board members.
 - VTSOS Assumes terms are 4 years and staggered – there should be provisions for two-year terms for some members in the initial election to accomplish staggered terms.

School Board Member Elections:

- Timing: The Administration's proposal called for elections to occur in November of even years with the General Election. VTSOS supports putting this election on the November General Election ballot to coincide with the highest-turnout elections.
 - Additionally, since that election is a universal vote-by-mail election, VTSOS would prepare the ballots and manage the election. Preparation of that ballot drives when candidates will need to file a petition to run.
 - VTSOS intends to create a Voter Guide for November General Elections, which will provide valuable voter information on these new elections.
- If the policy decision is made to hold School Board Member Elections in March, VTSOS would caution legislators to consider the additional workload this will bring for Town and City Clerks who will be simultaneously managing a municipal election on that day, and also a Presidential Primary on that day every four years. This is a significant complicating factor in many small towns.
- School District Clerk: A clerk for the district will need to be identified.
 - The School District Clerk could be the town clerk in the largest municipality in the district, or a different process for determining the clerk could be established in the law.
- Petition Process: Candidates for a school board need to gather petitions signed by voters in the ward.
 - VTSOS suggests requiring 100 voters in the ward. This is the same as for Senate candidates.
 - Petitions would need to be filed in July for a November election, or in November if school board elections are planned for Town Meeting Day. Petitions could be filed with the School District Clerk or VTSOS. We would like to engage in this policy discussion.
 - Current proposals do not contemplate a primary, and therefore no party designation would be listed for school board races.
 - Petitions would be entered into the VTSOS Vermont Election Management System (VEMS) – this is important for ballot production.
- Election Night Reporting: This would be done in the VEMS.
- Campaign Finance Laws: School board candidates should be required to follow campaign finance laws like candidates for other offices.

District School Board Meetings:

- Number of Meetings: There are several policy decisions here:
 - Is there a minimum number of meetings for a district/year?
 - Is there a minimum number of meetings in each ward?
- Open Meeting Law (OML):
 - These new bodies would be decision-making bodies; this means they must hold hybrid meetings under the OML.

- Due to the potential size of the districts, VTSOS recommends treating them like state bodies and expressly stating that they need to follow the state bodies' requirements under the OML; this includes recording and posting.

Budgets

School District Budget:

- Under the current proposals, the District School Board would vote on how to allocate the base budget from the State.
 - District School Board members would vote on the district's budget instead of the voters in the district.
 - The deadline for this vote should be in statute.
- Required Informational Meeting/Annual Meeting
 - The statute should set a time frame for the informational meeting(s), such as within 45 days and no less than 10 days of the budget vote.
 - VTSOS recommends a required informational meeting be held in each ward before the budget vote.

Supplemental District Spending Vote:

- The current proposal allows the District School Board to call a vote district-wide to increase local spending above the school district's educational opportunity payment .
 - There should be a set time frame for an informational meeting before the vote. Again, VTSOS recommends informational meetings in each ward. This is not currently within H.454.
 - This vote has to be done before the start of the Fiscal Year.
- Because this is a multi-town district, using an Australian ballot and the Vermont Election Management System would make it faster and easier to calculate the results.
 - There should be a polling location in each town.
 - This potentially adds a 4th election on even years and a 2nd election on odd years to municipal clerks' workload.
- Voting logistics that need to be considered:
 - Would a Supplemental District Spending Vote be a one-time vote, or, upon failure, could it go to an adjusted revote?
 - Is this a single vote on the District School Board's entire proposed increase or would each initiative be listed as a separate Y/N vote?
 - Would this be universal-vote-by-mail?
 - If yes, this process takes at least 65 days
 - If yes, VTSOS should be responsible for the coordination of this election.
 - Would this be on Town Meeting Day or November?
 - Issues:
 - Town meetings are not all on the same day.
 - Not all town meetings have Australian ballots at town meeting.
 - Timing issues with budget prep; will there be enough time?

Education Fund Allocations

School Boards:

- School Districts will need support setting up websites, communication tools, and IT equipment for citizen access and hybrid meetings.

Town Clerks:

- The implications of this proposal will create new responsibilities for town clerks: New candidate petitions and VEMS entry, reporting of results of the School Board Member election, and Supplemental District Spending Vote create a potential 4th election on even years or a 2nd election on odd years.
 - If the Supplemental District Spending Vote could have an adjusted revote this would be yet another election.
- A funding structure should be created to support clerks taking on these tasks. VTSOS would like to be part of developing the framework for funding local clerks taking on these additional responsibilities.
- Additional funding should be provided to the School District Clerk based on the added workload of administering these elections.

Secretary of State:

- VTSOS's IT system will need to be modified to accept school board member petitions, create ballots, and report results.
- VTSOS staff time will be needed to support campaign finance filing, facilitate petitions, ballot mailing, and election support for School Board elections. Additionally, VTSOS will help support Supplemental District Spending Votes; particularly if VTSOS facilitates ballot mailing.
- VTSOS will provide training for clerks.
- VTSOS is assessing if we need to add a position to support this work.