

# **The Proposed Constitutional Amendment for Partisan School Board Elections in Florida**

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In the November 2024 General Election, voters will be asked to approve or reject an Amendment to the Florida Constitution to change the election of the 67 local school boards from non-partisan to partisan. If approved by 60% of the voters, school board elections will become partisan beginning with the 2026 election cycle. School board candidates will then declare and run as affiliated with a political party. If the amendment is rejected, school board candidates will continue to run in non-partisan elections.

## **About the League of Women Voters**

The League of Women Voters (LWV) is a non-partisan political organization encouraging informed and active participation in government, working to increase understanding of major policy issues, and advocating for legislative changes and policies for the public good. The League never endorses candidates for political office. For more than 100 years we have focused on empowering and educating voters to exercise their rights and responsibilities in our democracy.

Florida is one of the few states in which the Constitution, a guiding legal document of State government, may be amended by the popular vote in a general election. Amending the Constitution is an action the League of Women Voters of Florida (LWVFL) takes very seriously. These changes will have far-reaching ramifications and implications for all Floridians.

The League has a long history of commitment to public education. To that end, LWVFL has carefully studied all aspects and implications of amending the Constitution to have partisan rather than non-partisan school board elections. ***The League is opposed to partisan elections of school board candidates based on our history and philosophy.*** LWVFL believes that school board elections should remain non-partisan in order to represent the best educational interests of the students of the district, rather than the agenda of a political party.

## **Why Does the League Oppose Partisan Election of School Board Members?**

The League believes that an educated public is essential to a democracy. Publicly funded schools, open and welcoming to all, are unique and different from other institutions in our nation. Public schools were first established in America in 1635 as a means to educate citizens to participate knowledgeably, thoughtfully, and competently in their own self-government. Politics, in the best of times, is a process in which those with differing viewpoints meet in the middle and

compromise. In the worst of times, politics devolves into warring factions, each wanting their own way with no view to compromise. The League believes that public education is the cornerstone of our democracy and should be free from outside political influences. We believe that parents, teachers, administrators, community members and schools boards working together without partisan obstruction will make the best educational decisions for students.

Additional reasons for the LWVFL's opposition to partisan school board elections are outlined in the section, "**Points of View**" below.

## **Background on School Board Elections**

### ***Why are Floridians voting on a Constitutional Amendment about school board elections in November 2024?***

In 2023, the Florida House and Senate approved bills (HJR 31, SJR 94) that propose an amendment to the State Constitution that would require members of district school boards to be elected in partisan elections. <sup>1</sup>

### ***What is the role and responsibility of a school board member?***

Florida's locally elected school boards oversee the state's 67 county public school districts. Their powers and responsibilities are outlined in the State Constitution, State statutes, and rules. <sup>2</sup>

### ***How are local school boards currently elected in Florida?***

Currently, school board elections in Florida are "non-partisan." Non-partisan school board elections have been in place since 1998, when 64% of Floridians approved a Constitutional Amendment to ensure that the election of school board members would be non-partisan. <sup>3</sup> This amendment went into effect with the 2000 election cycle. Although candidates may be registered with a political party, they do not run as partisan candidates, and no political parties are listed for them on the ballot. The majority of states have non-partisan school board elections.

In Florida, a non-partisan "open" primary election means that every registered voter, regardless of their political party affiliation, even if they are registered No Party Affiliation (NPA), is able to vote in the primary. Many non-partisan elections are determined in the primary, where a candidate is elected by winning 50% + 1 of all the votes. If no candidate is elected in the primary, all registered voters then participate in the general election runoff between the top two candidates from the primary.

### ***How will partisan school board elections, if approved, affect who can vote in the primary?***

Currently, Florida has nearly 4 million No Party Affiliation (NPA) voters, or about 28% of registered voters. Another nearly 2% are affiliated with minor parties which often do not mount a candidate, and therefore, may not have a primary. <sup>4</sup>

Florida, by law, is a "closed" primary state. This means if candidates run with a designated party affiliation, only those voters registered with the same party may vote in that party's primary

elections. Democrat and Republican voters receive only their own party's primary ballot. Voters registered as NPA and in minor political parties are restricted from voting in those partisan primary elections.

Changing to a partisan school board election system would mean that nearly 30% of Floridians would have no say in selecting among the school board candidates in the primary.

### ***Are there exceptions that would impact voters in partisan elections?***

There is an exception to the “closed” primary restriction in the Florida Constitution, designed to give voice to more voters in the primary. Under a Constitutional Amendment passed by voters in 1998, if only one party (e.g., Democrats) has candidates running for a state or local office, the primary is opened for all voters. This is called a Universal Primary Contest (UPC). The Universal Primary allows all voters, regardless of party, the opportunity to choose the candidate to represent them. The winner of the primary wins the election.

Yet in Florida, even the Universal Primary Contest can be easily closed. If someone files to run in the general election as a write-in candidate, once again, the primary would be closed to all but registered party members, e.g., Democrats. This is called the “write-in loophole.” Should the write in loophole be used to close the UPC, substantial numbers of voters would be blocked from selecting a school board candidate. The winning candidate would be chosen by members of only one party.

This scenario happens frequently in Florida elections. In a 2023 study by Open Primaries Florida, a total of 8,204,603 voters including both major parties and independents were disenfranchised by the application of the write-in loophole between 1998 and 2022. The legislature has been asked to close this loophole as there is suspicion that it is used to block the UPC.<sup>5</sup>

## **Opinions on Partisan School Board Elections**

### ***What reasons do proponents give for supporting partisan school board elections?***

Advocates and sponsors of the legislation for the proposed Constitutional Amendment to create partisan school board elections in Florida offer the following reasons to support this change:

- **Transparency:** Some advocates say that school board races are already partisan, as a candidate's party affiliation is easily accessible. They believe that voters want to know, up front, a candidate's party affiliation and ideology, which may help them predict how a candidate will vote on controversial issues.
- **Politicization of Education:** Some say that since education has already become highly politicized, partisan school board elections are a necessary outgrowth.
- **Alignment with Other Partisan Races:** Advocates point out that other local offices such as county commissioners and sheriffs are already partisan. They question why school board races should be any different.

## ***What reasons do the League of Women Voters and other organizations give for opposing partisan school board elections?***

Currently school board members are elected in non-partisan elections to represent the wide variety of educational interests and concerns of the voters in their district. LWVFL is one of many organizations which oppose interjecting more partisan political influence into public education. There are multiple concerns about the impact of such a change:

- **Exclusion of NPA and Minor Party Voters:** Because Florida is a “closed” primary state, the partisan election of school board members will, in effect, disenfranchise almost 30% of NPA and minor party voters who historically have not mounted candidates. Further, primaries can be easily closed with the “write-in loophole,” thus giving the choice of school board members to members of only one party and shutting out all other voters. The details are noted in previous sections.
- **Politicization of the Campaign Process:** The focus of school board campaigns may shift from educational issues and the needs of the school district to the agenda of a political party. The result may be less constructive and substantive discussion among the candidates. A campaign should result in an electorate better informed about the functioning of the local school district and possible ways to improve teaching and learning – not a narrow focus on political issues. This politicization may become vitriolic and discourage voter turnout.
- **Financial Contributions to School Board Elections:** The growth of financial contributions to all elections has been exponential. Non-partisan school board elections have traditionally been local affairs, with contributions tending to be smaller and local. If elections become partisan, a rise in contributions from national political parties and Political Action Committees (PACs) is likely to follow.
- **Limiting Candidate Pool:** By tying school board elections to political parties, there is a risk of limiting candidate pools to individuals who align with specific ideologies. This could exclude qualified candidates who do not wish to associate themselves with a major political party, potentially depriving the board of diverse perspectives and experiences.
- **Implications of Non-Resident School Board Candidates:** New legislation in 2023 permits candidates from outside the county to run for local school boards. Candidates would be required to move into the district only if they win their elections. Candidates might choose, or be chosen, to run outside of their home districts to bring a particular political agenda into a selected district. Such candidates would lack the experience and familiarity with local district issues that voters should be able to count on.
- **Polarization of School Board Operations:** A high functioning, effective school board requires collaboration and compromise for the greater good of the district and its students. Unpopular decisions must sometimes be made. Partisan school board members could increase existing political polarization, with board members focusing on pleasing their parties rather than doing what’s best, resulting in problems not solved and needs not met.

- **Discouraging the Involvement of Diverse Volunteers:** Public Schools welcome volunteers - parents, retired educators, and other caring adult community members - who work with teachers, library media specialists, and most importantly students both during and after school. Volunteers from all walks of life, selected by the administration, enrich the offerings and provide personal connections with the larger community. Parents volunteer to serve on individual school PTOs and The District School Advisory Committee (SAC). Parents and community members also serve on a variety of other School Board Advisory Committees from Curriculum to Budget and beyond. These community volunteers are selected by school board members and administrators. If school boards are elected because of their party's agenda, it may send an unspoken message that many who have differing views are not as welcome. Further polarization would badly damage the important role of the schools to serve as community centers where parents and other volunteers, no matter their views, can work together and learn from each other because of their shared commitment to public education.
- **Loss of Local Control of Education:** All of the factors outlined above – including exclusion of NPA and minor-party voters, out-of-district candidates, outsize campaign contributions, party loyalty and emphasis on partisan political stances – can lead to an erosion of local control with partisan politics overshadowing the best interests of students, families, staff, and residents.

## **Conclusions and Recommendations**

In the General Election on November 5, 2024, voters will be asked to Approve or Disapprove a Constitutional Amendment to change Florida’s system of non-partisan school board elections which has been in place for nearly 24 years.

League of Women Voters of Florida urges voters to seriously consider the issues outlined above. LWVFL recommends a “NO” vote on the Constitutional Amendment for partisan school board elections.

### **References:**

<sup>1</sup> <https://www.flsenate.gov/Session/Bill/2023/31/ByVersion>

<sup>2</sup> [https://www.myfloridahouse.gov/FileStores/Web/HouseContent/Approved/Web%20Site/education\\_fact\\_sheets/2011/documents/2010-11%20Florida%20District%20School%20Boards.3b.pdf](https://www.myfloridahouse.gov/FileStores/Web/HouseContent/Approved/Web%20Site/education_fact_sheets/2011/documents/2010-11%20Florida%20District%20School%20Boards.3b.pdf)

<sup>3</sup> [https://ballotpedia.org/Florida\\_Ballot\\_Access\\_Public\\_Campaign\\_Financing\\_and\\_Election\\_Process\\_Revisions\\_Amendment\\_11\\_\(1998\)](https://ballotpedia.org/Florida_Ballot_Access_Public_Campaign_Financing_and_Election_Process_Revisions_Amendment_11_(1998))

<sup>4</sup>

<https://dos.myflorida.com/elections/data-statistics/voter-registration-statistics/voter-registration-reports/voter-registration-by-party-affiliation>

<sup>5</sup> <https://flopenprimaries.org/research/>