



HIGLEY UNIFIED SCHOOL DISTRICT
2935 South Recker Road, Gilbert, Arizona 85295
(480) 279-7000 • www.husd.org

May 30, 2025 – Virtual Board Meeting Agenda Questions & Responses

Who is the information below from? Not sure why that information was removed/not shared.

The italicized purple information below is from the election attorney Jim Giel at Gust Rosenfeld Law Firm.

The case identified by the Board Member ([Kromko vs. City of Tucson](#), 47 P.3d 1137, 1139 (Ariz. Ct. App. 2002) has nothing to do with the subject at hand. Instead, it dealt with the allegation that the City of Tucson used City resources to attempt to influence the outcome of an election. In [Kromko](#), the Appellate Court concluded that a city would be found in violation of the statute only if it engaged in "express advocacy," which the court defined as "communication that, taken as a whole, unambiguously urges a person to vote in a particular manner." Although [Kromko](#) involved a municipality and the Appellate Court was interpreting A.R.S. Section 9-500.14(A), the same interpretation would be applied to school districts under A.R.S. Section 15-511, which is the equivalent statute prohibiting school districts from using district resources to influence the outcome of an election.

The Board Member also mentioned A.R.S. 15-1102 (linked below) which tells us how the sale or lease proceeds from the disposition of real property may be used, but says nothing about the requirement for an election or how the ballot should be presented to the voters.

<https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/15/01102.htm>

There is a concept in election law, both in case law and statute, which generally prohibits or discourages "logrolling", which is what the Board Member may be alluding to and refers to the practice of combining multiple distinct or unrelated proposals into a single ballot measure. This tactic can compel voters to accept provisions they might oppose to secure the passage of others they support, thereby undermining informed and independent decision-making. In Arizona, the state constitution (Art. 4 Pt. 2 Section 13) requires that every act shall include one subject, which must be expressed in the title. This provision has been interpreted by courts to apply to ballot measures, thereby prohibiting logrolling practices that combine unrelated issues into a single proposition.

In this case, the "single subject" is voter authorization for disposition of real property in the manner that the current or a future Board believes is the most beneficial to the District, taking into account real estate market conditions and the needs of the District. An analogy would be to a bond election ballot question, the voters approve a particular bond amount for various proposed capital projects, but leave the exact projects and dollar amounts to the Board's discretion. The projects can vary widely, from computer tablets to new roofs to school buses, but the bond question is a "single subject", which is allowing the District to issue bonds within certain parameters (dollar amount, interest rate and maturity date) for capital projects, the specifics of which will be decided by the Board. If the Legislature wanted to require school districts to break the sale/lease/exchange ballot question into multiple questions or break a bond ballot into multiple questions reflecting a more defined subset of capital improvements (like they do for municipalities - parks, public safety, streets, etc.), they could certainly do so, but they haven't.

Keeping in mind the County's June 9 deadline for ballot text.

Will the real estate attorney be present at the meeting? If so, who is the attorney?

Attorney Jim Giel will be joining the meeting virtually.

Will we have to be on camera for the meeting or can we just have our voice?

While cameras are not required to be on, each board member's name will be called for roll call and again during voting to ensure accurate tracking of each vote.