



Legislative Background Brief
for the
State Administrative and Veteran's Affairs Interim Committee
2013-14 Interim

July 2013

SJR 14 Brief:
History of Prior Consideration of
Combining Primary & School Elections

Prepared by Sheri Scurr, Staff Research Analyst

Purpose

This briefing paper responds to the July 11, 2013, request by the State Administration and Veterans' Affairs Interim Committee (SAVA) for staff to compile background information on the legislature's prior consideration of proposals and research on combining primary and school elections.

Previous Bills

Session Year	Bill No.	Sponsor	Disposition
1995	HB 370	Rep. Joe Tropila	Tabled in (H) State Administration
1997	HJR 23	Rep. Joe Tropila	Study Resolution: Passed but the Legislative Council did not assign it to a study committee because of its low ranking in the poll of legislators
2001	SB 110	Sen. Alvin Ellis	Tabled in (S) Education & Cultural Resources
2003	HB 599	Rep. Scott Sales	Tabled in (S) State Administration
2007	HB 841	Rep. Duane Ankney	Tabled in (S) Education & Cultural Resources
2011	HB 242	Rep. Mike Miller	Tabled in (H) State Administration
2013	SB 140	Sen. Art Wittich	Tabled in (S) Local Government in favor of a committee study resolution
2013	SJR 14	Sen. Alan Olson for (S) Local Government	Assigned to SAVA - ranked 14th out of 17 study requests

Proponents of bills combining elections

Witnesses at one or more hearings

Ed Argenbright, Helena, former Superintendent of OPI, former Political Practices Commissioner
John Barbagello, Helena
Ed Butcher, Winifred, former State Senator
Deon Carpenter, Helena
Susan Getz, Helena
Shirley Herrin, Helena
Harris Himes, Montana Eagle Forum
Mike Kecskes, Helena
Robert Kolar, Helena
Phyllis Lamping, Helena
Robert LaRue, Helena
Pat McCain, Helena
Lorie Page, Helena
Tim Ravndal, Lewis & Clark County Conservatives
Barbara Rush, Helena, retired teacher
John Rush, Helena
Tom Stockton, Helena
Becky Stockton, Helena
Mikal Wilkerson, Helena
Trevor Wilkerson, Helena
Dave Wood, Helena

Summary of proponent arguments at hearings

- Combining the elections will increase voter turnout at school elections so more people participate in the important decisions being made.
- Combining the elections will reduce costs by consolidating election activities.
- Combining the elections will remedy voter confusion and lack of awareness about when school elections are held.
- This has been done successfully in at least 21 other states.
- This will provide stronger oversight and more integrity in school elections.

Opponents of bills combining elections

Witnesses at one or more hearings

Linda Brannon, Helena

Eric Feaver, MEA-MFT

Alec Hansen, Montana League of Cities and Towns

Lisa Kimmet, Montana Secretary of State's Office

John MacDonald, Missoula

Mark Mackin, Helena

Terry Minow, MEA-MFT

Linda Stoll, Montana Clerks and Records and Election Administrators

Bob Vogel, Montana School Board Association

Denise Ulberg, Montana Association of School Business Officials

Summary of opponent arguments at hearings

- The bill that was being heard created unworkable time lines with respect to:
 - school budget cycles;
 - deadlines for schools to have ability to call a levy election;
 - requirements for noticing elections prior to the election;
 - printing and mailing absentee and overseas elector ballots;
 - collecting signatures for initiatives;
 - filing as a candidate and campaign reporting cycles;
 - odd and even year local elections;
 - federal deadlines; and
 - post-election work, including recounts.

- Municipal primaries should not be combined; municipal primaries need special consideration because they are sometimes not necessary and if held, are held in September, so an April, May, or June election would drastically increase the campaign season for these elections.

- Additional ballots would be needed and administrators would have to figure out which school district an elector lives in. This adds complexities not accounted for in the bill.

- There will be additional costs for schools to comply with certain requirements in Title 13, such as publication of notices prior to the election.

Summary of Legislator questions and comments

- Expressed concern about schools not mailing absentee ballots to military and overseas voters.
- Questioned why additional ballots would create too much complexity since a voter's address would show which school district the voter lived in and therefore which ballot a voter would receive.
- Asked how costs would be shared between school districts and counties.
- Questioned why publication of election notices in newspapers of general circulation would be problem for school districts.
- Asked about how schools handle absentee ballots and whether schools conducted mail ballot elections.
- Asked how late and same-day voter registration would be handled if the elections were combined.
- Noted that the idea of combining these elections was perennial and would keep coming before the legislature. But, expressed concern that bills presented were technically flawed or did not coordinate statutes contained in Title 13 for primary elections and Title 20 for school elections in a manner that election administrators could support. Stated that further time and consideration needed to be given to iron out the technical details before there could be substantive policy debate.
- Expressed concern about whether there was statewide interest in combining these elections.

Conclusion

Bills related to combining primary and school elections have been proposed in seven of the last 10 legislative sessions. At each of the hearings on these bills, all proponents except one, were from Helena. Opponents represented election administrators, school officials, and local governing bodies. The primary arguments for the bills were to increase voter turnout and promote the integrity of school elections. The primary arguments against the bills were based on technical concerns. Except for a Secretary of State spreadsheet showing certain dates for election deadlines under HB 140 during the 2013 Session compared to deadlines under current law and a section by section chart from the Office of Public Instruction on HB 140 provisions, no other exhibits of research value were handed out at any of the hearings on any of the prior bills. A 1997 study resolution was not assigned because it did not garner enough legislator interest and was not considered a statewide issue. In short, the legislature has never received substantive research or analysis on combining primary and school elections, nor has it conducted a legislative

study of this topic.

Attachments

1. SB 140 and Fiscal Note, 2013 Session
2. SB 140 Exhibit 2 - OPI section-by-section chart
3. SB 140 Exhibit 3 - SOS deadlines spreadsheet
4. HB 242 and Fiscal Note, 2011 Session
5. HB 841 and Fiscal Note, 2007 Session
6. HB 599 and Fiscal Note, 2003 Session
7. SB 110 and Fiscal Note, 2001 Session
8. HJR 23, 1997 Session
9. HB 370 and Fiscal Note, 1995 Session

CI0103 3206shoa.

**SB 140 and Fiscal Note
2013 Session**



1 SENATE BILL NO. 140

2 INTRODUCED BY A. WITTICH

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT COMBINING SCHOOL ELECTION AND CERTAIN PRIMARY
5 ELECTION DATES; REVISING TIMES FOR OPENING AND CLOSING POLLS; REQUIRING SCHOOL
6 ELECTION DEADLINES TO BE CONSISTENT WITH PRIMARY ELECTION DEADLINES; REQUIRING OTHER
7 ELECTION PROVISIONS TO GOVERN SCHOOL ELECTIONS; REVISING PROVISIONS FOR NOTICE OF A
8 SCHOOL ELECTION; AMENDING SECTIONS 13-1-101, 13-1-106, 13-1-107, 13-1-108, 13-2-304, 13-10-211,
9 13-13-205, 13-15-206, 20-3-304, 20-3-305, 20-3-313, 20-3-344, 20-20-102, 20-20-103, 20-20-105, 20-20-106,
10 20-20-201, 20-20-203, 20-20-204, 20-20-401, AND 20-20-417, MCA; AND PROVIDING AN APPLICABILITY
11 DATE."

12

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14

15 **Section 1.** Section 13-1-101, MCA, is amended to read:16 **"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following
17 definitions apply:18 (1) "Active elector" means an elector whose name has not been placed on the inactive list due to failure
19 to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.

20 (2) "Active list" means a list of active electors maintained pursuant to 13-2-220.

21 (3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that
22 is ordinarily not given away free but is purchased.23 (4) "Application for voter registration" means a voter registration form prescribed by the secretary of state
24 that is completed and signed by an elector, submitted to the election administrator, and contains voter registration
25 information subject to verification as provided by law.26 (5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an
27 optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.

28 (6) "Candidate" means:

29 (a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or
30 appointment as a candidate for public office as required by law;

1 (b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained
2 contributions, made expenditures, or given consent to an individual, organization, political party, or committee
3 to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination
4 or election to any office at any time, whether or not the office for which the individual will seek nomination or
5 election is known when the:

6 (i) solicitation is made;

7 (ii) contribution is received and retained; or

8 (iii) expenditure is made; or

9 (c) an officeholder who is the subject of a recall election.

10 (7) (a) "Contribution" means:

11 (i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value
12 to influence an election;

13 (ii) a transfer of funds between political committees;

14 (iii) the payment by a person other than a candidate or political committee of compensation for the
15 personal services of another person that are rendered to a candidate or political committee.

16 (b) "Contribution" does not mean:

17 (i) services provided without compensation by individuals volunteering a portion or all of their time on
18 behalf of a candidate or political committee or meals and lodging provided by individuals in their private
19 residences for a candidate or other individual;

20 (ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any
21 broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

22 (iii) the cost of any communication by any membership organization or corporation to its members or
23 stockholders or employees; or

24 (iv) filing fees paid by the candidate.

25 (8) "Election" means a general, regular, special, ~~or~~ primary, or school election held pursuant to the
26 requirements of state law, regardless of the time or purpose.

27 (9) "Election administrator" means the county clerk and recorder or the individual designated by a county
28 governing body to be responsible for all election administration duties, except that with regard to school elections
29 not administered by the county, the term means the school district clerk.

30 (10) "Elector" means an individual qualified to vote under state law.

1 (11) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift
2 of money or anything of value made for the purpose of influencing the results of an election.

3 (b) "Expenditure" does not mean:

4 (i) services, food, or lodging provided in a manner that they are not contributions under subsection (7);

5 (ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or
6 personal necessities for the candidate and the candidate's family;

7 (iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any
8 broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

9 (iv) the cost of any communication by any membership organization or corporation to its members or
10 stockholders or employees.

11 (12) "Federal election" means a general or primary election in which an elector may vote for individuals
12 for the office of president of the United States or for the United States congress.

13 (13) "General election" or "regular election" means an election held for the election of public officers
14 throughout the state at times specified by law, including elections for officers of political subdivisions when the
15 time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues
16 required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the
17 legislature to the electors at a general election, "general election" means an election held at the time provided
18 in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted
19 as a constitutional initiative at a regular election, regular election means an election held at the time provided in
20 13-1-104(1).

21 (14) "Inactive elector" means an individual who failed to respond to confirmation notices and whose name
22 was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

23 (15) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

24 (16) "Individual" means a human being.

25 (17) (a) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval
26 or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall
27 questions, school levy questions, bond issue questions, or a ballot question.

28 (b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the
29 proper official that the legal procedure necessary for its qualification and placement upon the ballot has been
30 completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the

1 secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

2 (18) "Legally registered elector" means an individual whose application for voter registration was
3 accepted, processed, and verified as provided by law.

4 (19) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing
5 ballots to all active electors.

6 (20) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee,
7 club, union, or other organization or group of individuals or a candidate ~~as defined in subsection (6)~~.

8 (21) "Place of deposit" means a location designated by the election administrator pursuant to 13-19-307
9 for a mail ballot election conducted under Title 13, chapter 19.

10 (22) "Political committee" means a combination of two or more individuals or a person other than an
11 individual who makes a contribution or expenditure:

12 (a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a
13 petition for nomination; or

14 (b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

15 (c) as an earmarked contribution.

16 (23) "Political subdivision" means a county, consolidated municipal-county government, municipality,
17 school district, special district, or any other unit of government, ~~except school districts~~, having authority to hold
18 an election for officers or on a ballot issue.

19 (24) "Polling place election" means an election primarily conducted at polling places rather than by mail
20 under the provisions of Title 13, chapter 19.

21 (25) "Primary" or "primary election" means an election held throughout the state to nominate candidates
22 for public office at times specified by law, including nominations of candidates for offices of political subdivisions
23 when the time for nominations is set on the same date for all similar subdivisions in the state.

24 (26) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not been
25 verified as provided by law.

26 (27) "Provisionally registered elector" means an individual whose application for voter registration was
27 accepted but whose identity or eligibility has not yet been verified as provided by law.

28 (28) "Public office" means a state, county, municipal, school, or other district office that is filled by the
29 people at an election.

30 (29) "Random-sample audit" means an audit involving a manual count of ballots from designated races

1 and ballot issues in precincts selected through a random process as provided in 13-17-503.

2 (30) "Registrar" means the county election administrator and any regularly appointed deputy or assistant
3 election administrator.

4 (31) "Special election" means an election other than a statutorily scheduled primary or general election
5 held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled
6 election.

7 (32) "Statewide voter registration list" means the voter registration list established and maintained
8 pursuant to 13-2-107 and 13-2-108.

9 (33) "Transfer form" means a form prescribed by the secretary of state that may be filled out by an elector
10 to transfer the elector's registration when the elector's residence address has changed within the county.

11 (34) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in
12 13-15-206.

13 (35) "Voted ballot" means a ballot that is:

- 14 (a) deposited in the ballot box at a polling place;
15 (b) received at the election administrator's office; or
16 (c) returned to a place of deposit.

17 (36) "Voting system" or "system" means any machine, device, technology, or equipment used to
18 automatically record, tabulate, or process the vote of an elector cast on a paper ballot."
19

20 **Section 2.** Section 13-1-106, MCA, is amended to read:

21 **"13-1-106. Time of opening and closing of polls for all elections -- ~~exceptions~~ exception.** (1) Except
22 as provided in ~~subsections~~ subsection (2) ~~and (3)~~, polling places must be open from 7 a.m. to 8 p.m.

23 (2) A polling place having fewer than 400 registered electors must be open from at least noon to 8 p.m.
24 or until all registered electors in any precinct have voted, at which time that precinct in the polling place must be
25 closed immediately.

26 ~~(3) If an election held under 13-1-104(3) and a school election are conducted in the same polling place;~~
27 ~~the polling place must be opened and closed at the times set for the school election, as provided in 20-20-106."~~
28

29 **Section 3.** Section 13-1-107, MCA, is amended to read:

30 **"13-1-107. Times for holding primary elections.** (1) On the first Tuesday after the first Monday in June

1 May preceding the general election provided for in 13-1-104(1), a primary election ~~shall~~ must be held throughout
2 the state.

3 (2) On the first Tuesday following the ~~second Monday in September~~ after the first Monday in May
4 preceding the general election provided for in 13-1-104(2), a primary election, if required, ~~shall~~ must be held
5 throughout the state.

6 (3) If the general election for a municipality required to hold annual elections is held in November, as
7 provided in 13-1-104(4), a primary election, if required, ~~shall~~ must be held on the ~~Tuesday following the second~~
8 ~~Monday in September~~ first Tuesday after the first Monday in May preceding the general election. In an
9 even-numbered year, the cost of this election must be paid by the municipality."

10

11 **Section 4.** Section 13-1-108, MCA, is amended to read:

12 "**13-1-108. Notice of special elections or school elections.** Notice of any special election or school
13 election must be broadcast or published at least three times in the 4 weeks immediately preceding the election
14 in a newspaper of general circulation in the jurisdiction where the election will be held or may be broadcast on
15 radio or television as provided in 2-3-105 through 2-3-107 using the method the election administrator ~~believes~~
16 or board of trustees believes is best suited to reach the largest number of potential electors. The provisions of
17 this section are fulfilled upon the third publication or broadcast of the notice."

18

19 **Section 5.** Section 13-2-304, MCA, is amended to read:

20 "**13-2-304. Late registration -- late changes --nonapplicability for school elections.** (1) Except as
21 provided in ~~subsections~~ subsection (2) ~~and (3)~~, the following provisions apply:

22 (a) An elector may register or change the elector's voter registration information after the close of regular
23 registration in 13-2-301 and vote in the election if the election administrator in the county where the elector
24 resides receives and verifies the elector's voter registration information prior to the close of the polls on election
25 day.

26 (b) Late registration is closed from noon to 5 p.m. on the day before the election.

27 (c) Except as provided in 13-2-514(2)(a), an elector who registers or changes the elector's voter
28 information pursuant to this section may vote in the election only if the elector obtains the ballot from and returns
29 it to the location designated by the county election administrator.

30 (2) If an elector has already been issued a ballot for the election, the elector may change the elector's

1 voter registration information only if the original voted ballot has not been received at the county election office
 2 and if the original ballot that was issued is marked by the issuing county as void in the statewide voter registration
 3 database prior to the change.

4 ~~(3) The provisions of subsection (1) do not apply with respect to an elector's registration to vote in a~~
 5 ~~school election held pursuant to Title 20."~~

6

7 **Section 6.** Section 13-10-211, MCA, is amended to read:

8 **"13-10-211. Declaration of intent for write-in candidates.** (1) Except as provided in subsection ~~(8)~~
 9 (7), a person seeking to become a write-in candidate for an office in any election shall file a declaration of intent.
 10 Except for a candidate who files under 13-38-201, a candidate may not file for more than one public office. The
 11 declaration of intent must be filed with the secretary of state or election administrator, depending on where a
 12 declaration of nomination for the desired office is required to be filed under 13-10-201, or with the school district
 13 clerk for a school district office. When a county election administrator is conducting the election for a school
 14 district, the school district clerk or school district office that receives the declaration of intent shall notify the county
 15 election administrator of the filing. Except as provided in ~~subsections~~ subsection (2) and (3), the declaration must
 16 be filed no later than 5 p.m. on the 10th day before the date established under 13-13-205 on which a ballot must
 17 be available for absentee voting for the election and must contain:

18 (a) (i) the candidate's first and last names;

19 (ii) the candidate's initials, if any, used instead of a first name, or first and middle name, and the
 20 candidate's last name;

21 (iii) the candidate's nickname, if any, used instead of a first name, and the candidate's last name; and

22 (iv) a derivative or diminutive name, if any, used instead of a first name, and the candidate's last name;

23 (b) the candidate's mailing address;

24 (c) a statement declaring the candidate's intention to be a write-in candidate;

25 (d) the title of the office sought;

26 (e) the date of the election;

27 (f) the date of the declaration; and

28 (g) the candidate's signature.

29 (2) A declaration of intent may be filed after the deadline provided for in subsection (1) but no later than
 30 5 p.m. on the day before the election if, after the deadline prescribed in subsection (1), a candidate for the office

1 that the write-in candidate is seeking dies or is charged with a felony offense.

2 ~~(3)~~ A person seeking to become a write-in candidate in a mail ballot election or for a trustee position in
3 a school board election shall file a declaration of intent no later than 5 p.m. on the 26th day before the election.

4 ~~(4)~~(3) The secretary of state shall notify each election administrator of the names of write-in candidates
5 who have filed a declaration of intent with the secretary of state. Each election administrator and school district
6 clerk shall notify the election judges in the county or district of the names of write-in candidates who have filed
7 a declaration of intent.

8 ~~(5)~~(4) A declaration of intent may be provided to the election administrator or secretary of state:

- 9 (a) by facsimile transmission if a facsimile facility is available for receipt;
10 (b) in person; or
11 (c) by mail.

12 ~~(6)~~(5) A declaration is not valid until the filing fee required pursuant to 13-10-202 is received by the
13 secretary of state or the election administrator.

14 ~~(7)~~(6) A write-in candidate who files a declaration of intent for a general election may not file with a
15 partisan, nonpartisan, or independent designation.

16 ~~(8)~~(7) Except as provided in 13-38-201(5), the requirements in subsection (1) do not apply if:

- 17 (a) an election is held;
18 (b) a person's name is written in on the ballot;
19 (c) the person is qualified for and seeks election to the office for which the person's name was written
20 in; and
21 (d) no other candidate has filed a declaration or petition for nomination or a declaration of intent."

22

23 **Section 7.** Section 13-13-205, MCA, is amended to read:

24 **"13-13-205. When ballots to be available.** (1) Except as provided in subsection (2), the election
25 administrator shall ensure that ballots are available for voting at least:

- 26 (a) 30 days prior to an election for those elections held in compliance with 13-1-107(1) and 20-20-105;
27 (b) 20 days prior to an election for those elections held in compliance with 13-1-104(2) and (3) and
28 13-1-107(2); and
29 (c) 30 days prior to an election held in conjunction with a federal general election in compliance with
30 13-1-104(1).

1 (2) A ballot requested pursuant to Title 13, chapter 21, must be sent to the elector as soon as the ballot
2 is printed or at least 45 days in advance of an election held in conjunction with a federal primary election, federal
3 general election, or federal special election."
4

5 **Section 8.** Section 13-15-206, MCA, is amended to read:

6 **"13-15-206. Counting votes -- uniformity -- rulemaking -- definitions.** (1) When conducting vote
7 counts as provided by law, a counting board, absentee ballot counting board, or recount board shall count and
8 determine the validity of each vote in a uniform manner as provided in this section.

9 (2) A manual count or recount of votes must be conducted as follows:

10 (a) One election judge on the board shall read the ballot while the two other judges on the board shall
11 each record on an official tally sheet the number of valid votes cast for each individual or ballot issue. Write-in
12 votes must be counted in accordance with subsection (5) and rules adopted pursuant to subsection (7). If a vote
13 has not been cast according to instructions, the vote must be considered questionable and the entire ballot must
14 be set aside and votes on the ballot must be handled as provided in subsection (4).

15 (b) (i) After the vote count is complete, the tally sheets of the two judges recording the votes must be
16 compared.

17 (ii) If the two tallies match, the judges shall record in the pollbook:

18 (A) the names of all individuals who received votes;

19 (B) the offices for which individuals received votes;

20 (C) the total votes received by each individual as shown by the tally sheets; and

21 (D) the total votes received for or against each ballot issue, if any.

22 (iii) If the tallies do not match, the count must be conducted again as provided in this subsection (2) until
23 the two tallies match.

24 (3) (a) When a voting system is counting votes:

25 (i) if a vote is recognized and counted by the system, it is a valid vote;

26 (ii) if a vote is not recognized and counted by the system, it is not a valid vote;

27 (iii) write-in votes must be counted in accordance with rules adopted pursuant to subsection (7).

28 (b) If the voting system cannot process the ballot because of the ballot's condition or if the voting system
29 registers an unvoted ballot or an overvote, which must be considered a questionable vote, the entire ballot must
30 be set aside and the votes on the ballot must be counted as provided in subsection (4).

1 (c) If an election administrator or counting board has reason to believe that a voting system is not
2 functioning correctly, the election administrator shall follow the procedures prescribed in 13-15-209.

3 (d) After all valid votes have been counted and totaled, the judges shall record in the pollbook the
4 information specified in subsection (2)(b)(ii).

5 (4) (a) (i) Before being counted, each questionable vote on a ballot set aside under subsection (2)(a) or
6 (3)(b) must be reviewed by the counting board. The counting board shall evaluate each questionable vote
7 according to rules adopted by the secretary of state.

8 (ii) If a majority of the counting board members agree that under the rules the voter's intent can be clearly
9 determined, the vote is valid and must be counted according to the voter's intent.

10 (iii) If a majority of the counting board members do not agree that the voter's intent can be clearly
11 determined under the rules, the vote is not valid and may not be counted.

12 (b) If a ballot was set aside under subsection (3)(b) because it could not be processed by the voting
13 system due to the ballot's condition, the counting board shall transfer all valid votes to a new ballot that can be
14 processed by the voting system.

15 (5) A write-in vote may be counted if:

16 (a) (i) the write-in vote identifies an individual by a designation filed pursuant to 13-10-211(1)(a); or

17 (ii) pursuant to 13-10-211~~(8)~~(7), a declaration of nomination was not filed and the write-in vote identifies
18 an individual who is qualified for the office; and

19 (b) the oval, box, or other designated voting area on the ballot is marked.

20 (6) A vote is not valid and may not be counted if the elector's choice cannot be determined as provided
21 in this section.

22 (7) The secretary of state shall adopt rules defining a valid vote and a valid write-in vote for each type
23 of ballot and for each type of voting system used in the state. The rules must provide a sufficient guarantee that
24 all votes are treated equally among jurisdictions using similar ballot types and voting systems.

25 (8) Local election administrators shall adopt policies to govern local processes that are consistent with
26 the provisions of this title and that provide for:

27 (a) the security of the counting process against fraud;

28 (b) the place and time and public notice of each count or recount;

29 (c) public observance of each count or recount, including observance by representatives authorized
30 under 13-16-411;

1 (d) the recording of objections to determinations on the validity of an individual vote or to the entire
2 counting process; and

3 (e) the keeping of a public record of count or recount proceedings.

4 (9) For purposes of this section, "overvote" means an elector's vote that has been interpreted by the
5 voting system as an elector casting more votes than allowable for a particular office or ballot issue."
6

7 **Section 9.** Section 20-3-304, MCA, is amended to read:

8 **"20-3-304. Annual election.** In each district an election of trustees must be conducted annually on the
9 regular school election day, the first Tuesday after the first Monday of May. If a regular school election is to be
10 held in the same year as a primary election under 13-1-107(1), the school election must be held in conjunction
11 with the primary election. Election of trustees must comply with the election provisions of Title 13 and this title."
12

13 **Section 10.** Section 20-3-305, MCA, is amended to read:

14 **"20-3-305. Candidate qualification, nomination, and withdrawal.** (1) Except as provided in 20-3-338,
15 any person who is qualified to vote in a district under the provisions of 20-20-301 is eligible for the office of
16 trustee.

17 (2) Except as provided in 20-3-338, any five electors qualified under the provisions of 20-20-301 of any
18 district, except a first-class elementary district, may nominate as many trustee candidates as there are trustee
19 positions subject to election at the ensuing election.

20 (3) The name of each person nominated for candidacy must be submitted to the clerk of the district not
21 less than ~~40~~ 85 days before the regular school election day at which the person is to be a candidate. When a
22 regular school election is held in conjunction with a primary election under 13-1-107(1) or when a county election
23 administrator is conducting the election for the school district in accordance with 20-20-417, the clerk of the
24 district shall submit the name of each person nominated for candidacy to the election administrator not less than
25 80 days before the date of the election.

26 (4) If there are different terms to be filled, the term for which each candidate is nominated must also be
27 indicated.

28 ~~(3)~~(5) (a) A candidate intending to withdraw from the election shall send a statement of withdrawal to the
29 clerk of the district. The statement must contain all information necessary to identify the candidate and the office
30 for which the candidate was nominated. The statement of withdrawal must be acknowledged by the clerk of the

1 district.

2 (b) A candidate may not withdraw less than 38 days before a school election.

3 (c) Filing fees paid by the candidate may not be refunded."

4

5 **Section 11.** Section 20-3-313, MCA, is amended to read:

6 **"20-3-313. Election by acclamation -- notice.** (1) If the number of candidates filing for vacant positions
7 or filing a declaration of intent to be a write-in candidate under 13-10-211 is equal to or less than the number of
8 positions to be elected, the trustees may give notice that a trustee election will not be held. Notice must be given
9 no later than ~~25~~ 70 days before the election.

10 (2) If a trustee election is not held, the trustees shall declare elected by acclamation the candidate who
11 filed for the position or who filed a declaration of intent to be a write-in candidate and shall issue a certificate of
12 election to the candidate.

13 (3) An election for a trustee in a single-member district as provided in 20-3-338 or in a trustee nominating
14 district as provided in 20-3-353 is considered a separate trustee election for the purposes of declaring election
15 by acclamation as provided in this section."

16

17 **Section 12.** Section 20-3-344, MCA, is amended to read:

18 **"20-3-344. Nomination of candidates by petition in first-class elementary district.** (1) Except as
19 provided in 20-3-338, any 20 electors, qualified under the provisions of 20-20-301, of any first-class elementary
20 district may nominate by petition as many trustee candidates as there are trustee positions subject to election
21 at the ensuing election. The name of each person nominated for candidacy must be submitted to the clerk of the
22 district not less than ~~40~~ 85 days before the regular school election day at which the person is to be a candidate.
23 If there are different terms to be filled, the term for which each candidate is nominated must also be indicated.
24 The election must be conducted with the ballot as specified in 20-3-306.

25 (2) When a regular school election is held in conjunction with a primary election under 13-1-107(1) or
26 when a county election administrator is conducting the election for the school district in accordance with
27 20-20-417, the clerk of the district shall submit the name of each person nominated for candidacy to the election
28 administrator not less than 80 days before the date of the election."

29

30 **Section 13.** Section 20-20-102, MCA, is amended to read:

1 **"20-20-102. Precedence of school primary and general election provisions.** Except as otherwise
 2 provided in this title, school elections ~~shall~~ must be conducted and canvassed and the results ~~shall~~ must be
 3 returned in the same manner as provided for general elections in Title 13. ~~Should~~ If there be is a conflict between
 4 the requirements of Title 13 and the provisions of this title regulating school elections, the provisions of ~~this title~~
 5 ~~shall~~ Title 13 govern. The superintendent of public instruction may make any necessary rules to clarify Title 13
 6 provisions for use in school elections."

7
 8 **Section 14.** Section 20-20-103, MCA, is amended to read:

9 **"20-20-103. Election by ballot.** All school elections ~~shall~~ must be by ballot as described in Title 13."

10
 11 **Section 15.** Section 20-20-105, MCA, is amended to read:

12 **"20-20-105. Regular school election day and special school elections -- limitation -- exception.**

13 (1) Except as provided in subsection (4), the first Tuesday after the first Monday of May of each year is the regular
 14 school election day. If a regular school election is held in the same year as a primary election under 13-1-107(1),
 15 the school election must be conducted in conjunction with the primary election. Except as provided in subsections
 16 (3) and (4), a proposition requesting additional funding under 20-9-353 may be submitted to the electors only
 17 once each calendar year on the regular school election day.

18 (2) Subject to the provisions of subsection (1), special school elections may be conducted at times
 19 determined by the trustees.

20 (3) In the event of an unforeseen emergency occurring on the date scheduled for the funding election
 21 pursuant to subsection (1), the district will be allowed to reschedule the election for a different day of the calendar
 22 year. As used in this section, "unforeseen emergency" has the meaning provided in 20-3-322(5).

23 (4) In years when the legislature meets in regular session or in a special session that affects school
 24 funding, the trustees may order the election on a date other than the regular school election day in order for the
 25 electors to consider a proposition requesting additional funding under 20-9-353."

26
 27 **Section 16.** Section 20-20-106, MCA, is amended to read:

28 **"20-20-106. Poll hours.** ~~(4)~~ The polls for any school election in any district ~~shall open not later than~~
 29 ~~noon. The trustees may order the polls to open earlier, but no earlier than 7 a.m.~~ must be open in accordance
 30 with 13-1-106.

1 ~~(2) If the school election is held on the same day as an election held by a political subdivision under~~
 2 ~~13-1-104(3) and at the same polling place, the polls shall be opened and closed at the times required for the~~
 3 ~~school election.~~

4 ~~_____ (3) If the school election is held on the same day as a general or primary election, the polls shall be~~
 5 ~~opened and closed at the times required for the general or primary election.~~

6 ~~_____ (4) Once opened, the polls shall be kept open continuously until 8 p.m., except that whenever all the~~
 7 ~~registered electors at any poll have voted, the poll shall be closed immediately."~~

8
 9 **Section 17.** Section 20-20-201, MCA, is amended to read:

10 **"20-20-201. Calling of school election.** (1) At least ~~40~~ 90 days before any school election, the trustees
 11 of a district shall call the school election by resolution, stating the date and purpose of the election, and shall
 12 conduct it in accordance with the procedures required by law when:

13 (a) an election must be held on the regular school election day;

14 (b) in their discretion, the trustees order an election for a purpose authorized by law;

15 (c) the county superintendent orders an election in accordance with the law authorizing an order;

16 (d) the board of public education orders an election in accordance with the law authorizing an order;

17 (e) the county commissioners order an election in accordance with the law authorizing an order;

18 (f) the board of trustees of a community college district orders an election in accordance with the law
 19 authorizing an order, in which case the community college district shall bear its share of the cost of the election;
 20 or

21 (g) a school election is required by law under any other circumstances.

22 (2) The resolution calling any school election must be transmitted to the county election administrator
 23 no later than 35 days before the election in order to enable the administrator to close the registration and prepare
 24 the lists of registered electors as required by school election laws."

25
 26 **Section 18.** Section 20-20-203, MCA, is amended to read:

27 **"20-20-203. Resolution for poll hours, polling places, and judges.** (1) At the trustee meeting when
 28 a school election is called, the trustees shall:

29 ~~(a) except as provided in 20-20-106(3), establish the time at which the polls are to open if in their~~
 30 ~~discretion they determine that the polls must be open before noon;~~

1 ~~(b)(a)~~ establish the polling places for the election, using the established polling places for general
2 elections within the district wherever possible; and

3 ~~(c)(b)~~ appoint at least three judges for each polling place.

4 (2) There must be one polling place in each district unless the trustees establish additional polling places.
5 If more than one polling place is established, the trustees shall define the boundaries for each polling place so
6 that the boundaries for each polling place are coterminous with county precinct boundaries existing within a
7 district. If the site of a polling place is changed from the polling place site used for the last preceding school
8 election, special reference to the changed site of the polling place must be included in the notice for the election."
9

10 **Section 19.** Section 20-20-204, MCA, is amended to read:

11 **"20-20-204. Election notice.** (1)~~(a)~~ When the trustees of a district call a school election, they the
12 trustees shall give notice of the election ~~not less than 20 days or more than 30 days before the day of the election~~
13 in accordance with the notice requirements of 13-1-108 and by:

14 ~~(i) publication of the notice in a newspaper of general circulation if there is one in the district; and~~
15 ~~————~~ (ii) posting notices in three public places in the district, provided that in incorporated cities and towns, at
16 least one notice must be posted at a public place in each ward or precinct.

17 ~~(b) Whenever, in the judgment of the trustees, the best interest of the district will be served by the~~
18 ~~supplemental publication of the school election notice in a radio or television broadcast, the trustees may cause~~
19 ~~that notification to be made.~~

20 (2) The notice of a school election, unless otherwise required by law, must specify:

21 (a) the date and polling places of the election;

22 (b) the hours that the polling places will be open;

23 (c) each proposition to be considered by the electorate;

24 (d) if there are trustees to be elected, the number of positions subject to election and the length of term
25 of each position; and

26 (e) where and how absentee ballots may be obtained.

27 (3) If more than one proposition is to be considered at the same school election, each proposition must
28 be set apart and separately identified in the same notice or published in separate notices."
29

30 **Section 20.** Section 20-20-401, MCA, is amended to read:

1 **"20-20-401. Trustees' election duties -- ballot certification.** (1) ~~The Subject to 20-20-417, the trustees~~
 2 are the general supervisors of school elections ~~unless the trustees request and the county election administrator~~
 3 ~~agrees to conduct a school election under 20-20-417.~~

4 (2) Not less than ~~25~~ 70 days before an election, the clerk of the district shall prepare a certified list of the
 5 names of all candidates entitled to be on the ballot and the official wording for each ballot issue.

6 (3) If a regular school election is held in the same year as a primary election under 13-1-107(1), the clerk
 7 of the district shall provide the certified list of the names of all candidates to the election administrator pursuant
 8 to 20-3-305.

9 (4) ~~The~~ If a regular school election is not held in the same year as a primary election under 13-1-107(1),
 10 the clerk shall arrange for printing the ballots. Ballots for absentee voting must be printed and available at least
 11 20 days before the election, except as provided in 20-9-426(2) for a bond election not held in conjunction with
 12 a school election. Names of candidates on school election ballots need not be rotated.

13 ~~(5)~~ (5) Before the opening of the polls, the trustees shall cause each polling place to be supplied with the
 14 ballots and supplies necessary to conduct the election."
 15

16 **Section 21.** Section 20-20-417, MCA, is amended to read:

17 **"20-20-417. Request for county election administrator to conduct election.** (1) ~~By~~ Except as
 18 provided in subsection (4), by June 1 of each year, the trustees of a district may request the county election
 19 administrator to conduct certain school elections during the ensuing school fiscal year.

20 (2) Whenever the county election administrator agrees to conduct a school election, the administrator
 21 shall:

22 (a) perform the duties imposed on the trustees and the clerk of the district for school elections in
 23 20-20-203, 20-20-313, and 20-20-401;

24 (b) conduct the election in accordance with the provisions of Title 13, chapters 13 and 15; and

25 (c) deliver to the trustees, for the purpose of canvassing the vote, the certified tally sheets and other
 26 items as provided in 13-15-301.

27 (3) Whenever the trustees request the county election administrator to conduct a school election, the
 28 school district shall pay the costs of the election as provided in 13-1-302.

29 (4) For a regular school election held in the same year as a primary election under 13-1-107(1), the
 30 county election administrator shall conduct the school election in conjunction with the primary election."



1

2 NEW SECTION. **Section 22. Applicability.** [This act] applies to elections held on or after January 1,

3 2014.

4

- END -







GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2015 Biennium

Bill # SB0140

Title: Combine school and primary election dates

Primary Sponsor: Wittich, Art

Status: As Introduced

- Significant Local Gov Impact
 Needs to be included in HB 2
 Technical Concerns
 Included in the Executive Budget
 Significant Long-Term Impacts
 Dedicated Revenue Form Attached

FISCAL SUMMARY

	<u>FY 2014 Difference</u>	<u>FY 2015 Difference</u>	<u>FY 2016 Difference</u>	<u>FY 2017 Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

Description of fiscal impact: There is no fiscal impact to the state.

FISCAL ANALYSIS

Assumptions:

Secretary of State (SOS)

- SB 140 does not involve any significant changes in how the SOS operates elections. Therefore, there is no fiscal impact.

Technical Notes:

Office of Public Instruction

- Currently school districts have the option to run their own elections, which are addressed in Title 20. They may decide the poll hours or chose to run a mail ballot election for expediency and cost reduction. New language would give Title 13 general election laws priority over Title 20, negating distinctions with school elections, causing higher costs for districts, and causing confusion regarding: timeline(s) for availability of ballots; late registration options; and who pays for an election.
- Change in deadlines for certification of a list of candidates and to call an election by acclamation fall before the deadline for declaration for write-in candidacy.

Fiscal Note Request – As Introduced

(continued)

3. Moving the deadline for calling an election to 90 days prior to the election would require districts to decide on levy elections before they know whether an election is needed (based on February count data and budget sheets released the first of March).
4. Requirements and polling locations for school elections would vary depending on odd or even year requirements, causing voter confusion and increased work for all election officials.

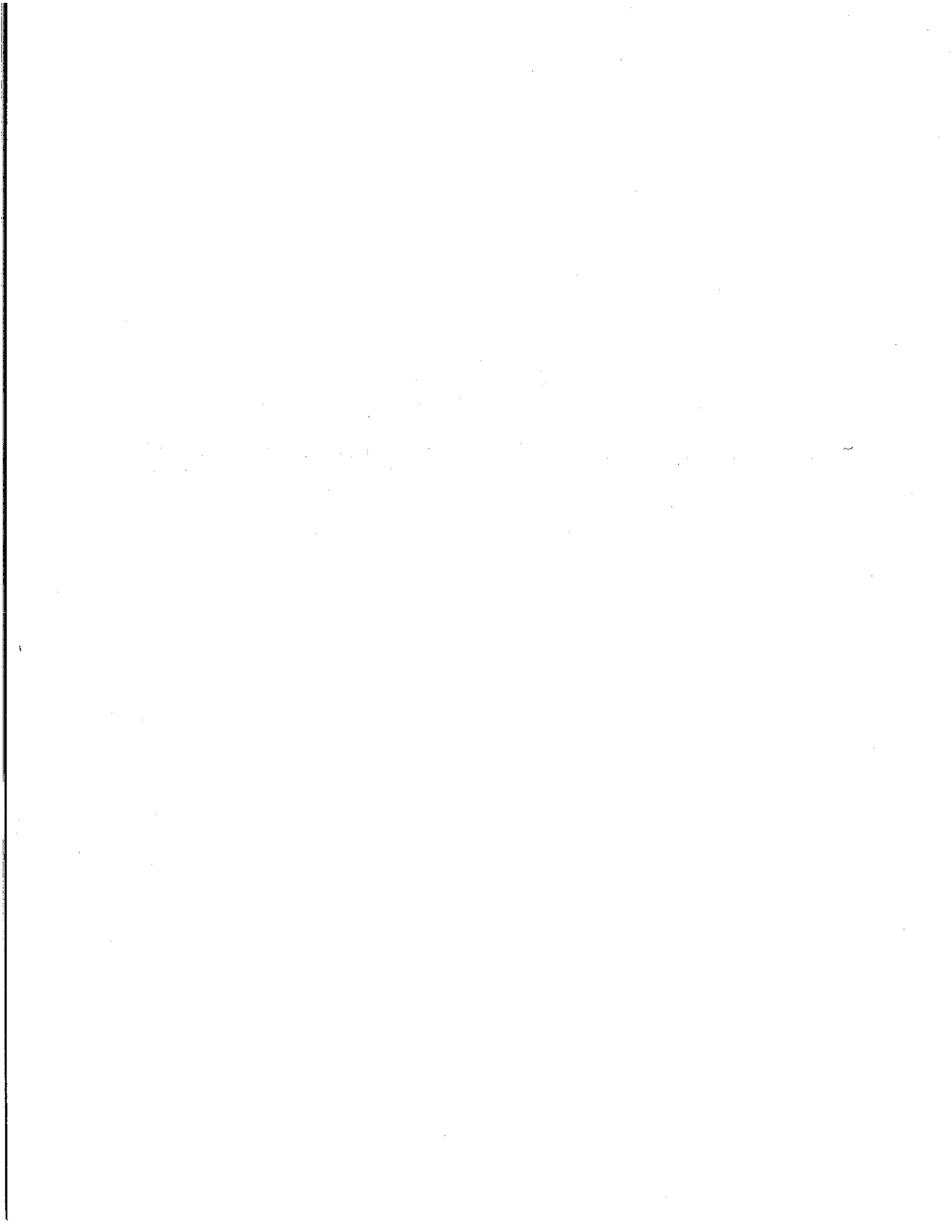
Sponsor's Initials

Date

Budget Director's Initials

Date

SB 140 Exhibit 2
OPI Section-by-Section Chart



Comments on SB 140
Combine School and Primary Election Dates

EXHIBIT NO. 2
DATE 1-21-2013
BILL NO. SB 140

1	13-1-101(8)	Definition of "election" does not include a school election. School districts are purposely excluded from the definition of "political subdivision".	Adds school election to definition of "election". School districts are included in the definition of "political subdivision".	Completely reverses the separation of Title 20 taking precedence in school elections and incorporates many of the provisions into Title 13.
1	13-1-101(23)	Title 20 governs any conflicts between requirements of Title 13 and Title 20, Chapter 20 (school elections).	Title 13 governs any conflicts between requirements of Title 13 and Title 20, Chapter 20 (school elections).	
13	20-20-102	Election of trustees must be conducted annual on the regular school election day (first Tuesday after the first Monday in May).	Adds provision that "if a regular school election is to be held in the same year as a primary election under 13-1-107(1), the school election must be held in conjunction with the primary election."	In even-numbered years, primary supervision and control of school trustee and general fund levy elections is passed to the County Election Administrator. School districts lose their choice of running a traditional election or a mail ballot election.
9	20-3-304	By June 1 of each year, school district may request the county to run school elections in the ensuing year.	Add similar language as in Section 9, shown above.	Limits a school district's choice in who will run a school election to only special elections.
21	20-20-417	Same effect as noted in Section 9 above.	Same effect as noted in Section 9 above.	

Comments on SB 140
Combine School and Primary Election Dates

2 16 18	13-1-106 20-20-106 20-20-203	Allows school elections to determine the open and close of polls in elections under 13-1-104(3) – elections other than municipal elections.	Poll hours are required to be 7am to 8pm, unless fewer than 400 electors, then noon to 8pm.	Mandates the opening and closing of polls for all elections. Districts are no longer allowed to set the poll times for school elections.	Mandating poll hours means that school polls must be open longer hours than those that may have been set by the board of trustees in prior elections. This may result in greater expense to the district running the election.
3	13-1-107 13-1-104 (reference only – no changes)	General election primaries are held the first Tuesday after the first Monday in June. Municipal primaries are held the Tuesday following the second Monday in September.	General election primaries and municipal elections held in November are held on the first Tuesday after the first Monday in May (school election day).	Moves all primary elections to the school election date in May (first Tuesday after the first Monday in May).	As primary elections are held in even-numbered years and municipal elections either in odd-numbered year or every year (depending upon the political subdivision), school elections will be held in conjunction with either a primary or municipal primary election every year.
3	13-1-302 (reference only – no changes)	Each political subdivision shall pay its "proportionate share" as determined by the county election administrator and the school district election administrator.	Unsure who pays for the election.	Current statute outlines who pays for what elections under what circumstances – as elections of different types are held on separate election days.	Districts currently have the option to run their own elections. They can open/close the polls at hours of their discretion (with some restrictions). They can choose to run a mail ballot election. All of these adjustments may save the district money. However, under the new provisions, they no longer have the ability to set their hours, conduct their own elections, or run a mail ballot election when a general or municipal primary is run at the same time as the school election. Further, as mentioned in
3	13-1-107 (3) (reference only – no change to (3))	Municipalities are responsible for the cost of a primary election.			

Comments on SB 140
Combine School and Primary Election Dates

21	20-20-417	School districts are responsible for the cost of their elections, or if they request the county election to conduct the election, they pay the county.		Bill Section 3, the costs are no longer controlled by the district, but, rather, by conflicting statutes that leave the cost of the election up to other political subdivisions. 20-20-417 only requires districts to pay the county election administrator to run the election if the district requests that the county election administrator run the election. New provisions mandate that the county election administrator run the election.
4 19	13-1-108 20-20-204	Notice of election for schools must be published not less than 20 days or more than 30 days before the day of election. Notice is required to be published once in a newspaper of general circulation – but only if there is one in the district.	Schools must notice three times in the 4 weeks preceding the election in a newspaper of general circulation in the jurisdiction or broadcast on radio or television.	Increases the amount of notice districts are required to give for school elections. Districts are required to pay for publication (either newspaper or broadcast), even if no general circulation exists in the district. The requirements of this change may be an added and unnecessary expense for districts).
			School districts are required to meet the notice of election requirements in Title 13.	

Comments on SB 140
Combine School and Primary Election Dates

5	13-2-304 20-20-311	Registration for school district elections closes 30 days prior to election day.	Removes exclusion of school districts from late registration law.	Registration for school elections currently closes 30 days prior to an election. Under the new legislation, school districts would not be exempted from late registration requirements.	This change creates the most confusion in this bill. On its face, it appears that late registration for school districts would be allowed only in years in which primary or general municipal elections are conducted. However, considering the change in 20-20-102, late registration would always be allowed in a school election (as this section makes Title 13 priority over Title 20). If that is the case, districts conducting elections in non-primary years would have to deal with late and same day registration. Further, there could be confusion over which year late registration applies and which years it doesn't.
13	20-20-102				
10	20-3-305	Names of candidates submitted to the school district clerk at least 40 days prior to the election.	Names of candidates submitted to the school district clerk at least 85 days prior to the election.	Changes the number of days before the election that names of candidates must be submitted to the school district clerk in school elections.	This change shortens the time for candidates to apply for office from 95 days to 50 days, which could create difficulty in districts that already have trouble filing trustee positions. As mentioned in Bill Section 6, names of candidates are submitted to the school district clerk prior to the deadline for candidates to apply through write-in declaration of intent.

Comments on SB 140
Combine School and Primary Election Dates

6 11	13-10-211 20-3-313	Deadline for write-in candidates (mail ballot and school district elections) is no later than 5pm on the 26 th day before the election.	Deadline for write-in candidates is no later than 5pm on the 10 th day before the date established in 13-10-201 (40 days prior).	Removes the language that differentiates the write-in deadline for both mail ballot and school election candidates.	These changes create confusion because write-in candidates can file a declaration of intent after the certified list of candidates is sent to the county election administrator. Further, changes to the deadline to call an election by acclamation are prior to the deadline for write-in candidates – meaning that an election could be called before the final day for candidates to declare candidacy. Candidates and ballot issues must be certified prior to the deadline for write-in candidates. Further, the certified list must be prepared prior to the deadline for the trustees to notify the county election administrator that an election will be held.
12	20-3-344	Names of candidates are submitted to the district clerk 40 days prior to the election.	In years in which a general primary election is conducted, or the county election administrator conducts the election, names must be submitted to the county election administrator at least 80 days prior to the election.	Changes the number of days prior to the election names must be submitted to the county election administrator, depending upon the type of election being conducted.	This provision creates confusion because the names are submitted to the county election administrator a number of days before the election only if a certain type of election is being held, or the election is being conducted by the county election administrator. Districts will have to follow a different timeline depending on the type of election and who is conducting it. Further, this creates confusion because 20-20-102 sets the provisions of Title

Comments on SB 140
Combine School and Primary Election Dates

20	20-20-401	The clerk of the district prepares a certified list of candidates and official ballot wording for each ballot issue not less than 25 days before an election.	Moves the date for certification of names and ballot issues from 25 days before the election to 70 days before the election.		13 over the provision of Title 20. That sets the provisions of the two Titles in opposition to each other in non-primary or municipal election years.
7	13-13-205 20-20-401	Ballots for school election available at least 20 days before the election.	Ballots available at least 30 days prior to the election.	The deadline for ballots to be available for election (at least in primary and municipal election years) is changed to at least 30 days prior to the election.	This provision moves up the date for availability of ballots by 10 days. This could create confusion in years where this is no general primary, but a municipal primary and a school election, as the deadline for ballots in a school election is 30 days prior to the election, but the deadline for ballots in a municipal primary is 20 days before the election.

Comments on SB 140
Combine School and Primary Election Dates

Bill Section	Affected Statute(s)	Current Law	SB 140 Changes	Description	Comments
11	20-3-313 13-10-211	Trustees can declare an election by acclamation no later than 25 days prior to the election.	Trustees can declare an election by acclamation no later than 70 days prior to the election.	Changes the number of days before an election trustees can call an election by acclamation.	New provisions in 20-3-313 mandate that districts call an election by acclamation no later than 70 days prior to the election. However, 13-10-211 allows write-in candidates up to 5:00 pm on the 10 th day before ballots are to be available (40 days prior to the election). Essentially, with this change, an election can be called by acclamation prior to the deadline for candidates to file for office.
17	20-20-201	Trustees call for an election 40 days prior to the election. In 20-20-201(2), 35 days prior to the election, the trustees must notify the county election administrator of the election.	Trustees call for an election 90 days prior to the election.	Moves the deadline for districts to call an election from 40 days to 90 days, but doesn't change the notification to the county.	This provision moves the date for a board of trustees to call an election from 40 days to 90 days. However, the trustees still do not have to notify the county election administrator until 35 days prior to the election (see 20-20-201(2)).

January 21, 2013

Submitted by: Denise Ulberg, MASBO Executive Director, (406) 442-5599, dulberg@masbo.com
Prepared by: Denise Ulberg, MASBO and Nicole Thoutte, OPI

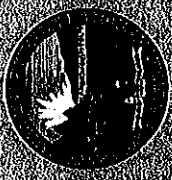
**Comments on SB 140
Combine School and Primary Election Dates**

SB 140 Exhibit 3
SOS Deadlines Spreadsheet

HB 140 Election Dates

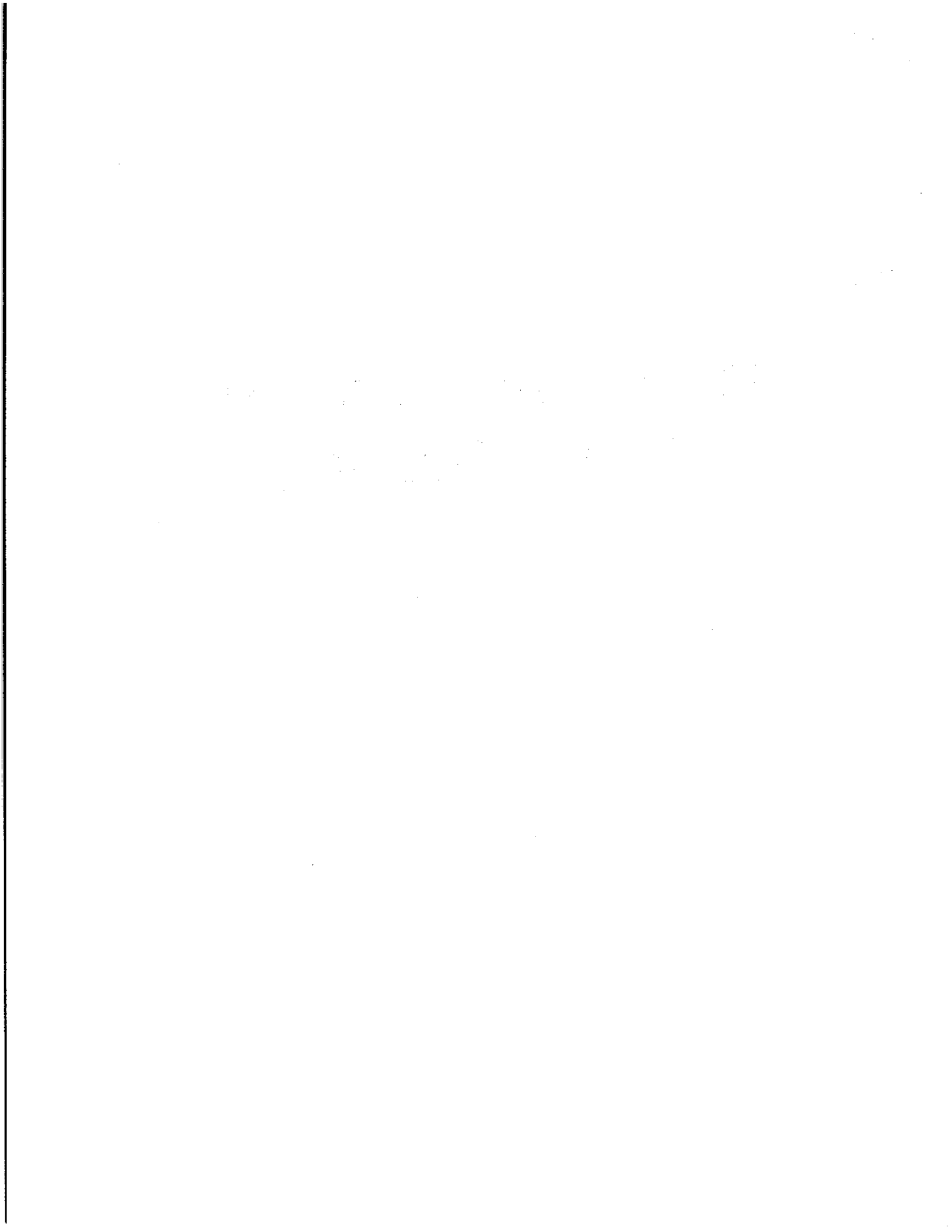
Montana Secretary of State *Linda McCulloch*
 Elections and Government Services
 sos.mt.gov • sselections@mt.gov

EXHIBIT NO. **3**
 DATE **12/21/2013**
 BY **SB/HO**



Election	Activity	Current Deadline	Proposed Deadline	Date Under Current Law	Proposed Date (HB 140 Applies to Elections Starting in 2014)	Applicable Section of HB 140 or Current Law
School Elections (Annual)	Even-Year Election Candidate Filing Opens	135 days before May Election	145 days before May election	December 22, 2013	December 12, 2013	13-10-201(6)(b), MCA
	Even-Year Election Candidate Filing Closes	40 days before May Election	85 days before May election	March 27, 2014	February 10, 2014	Section 10: 20-3-305(3), MCA
	Odd-Year Election Candidate Filing Opens	135 days before May Election	No Change	December 21, 2014	December 21, 2014	13-10-201(6)(a), MCA
	Odd-Year Election Candidate Filing Closes	40 days before May Election	85 days before May election	March 26, 2015	February 9, 2015	Section 10: 20-3-305(3), MCA
	Trustees Call for Election	40 days before May Election	90 days before May Election	March 27, 2014	February 5, 2014	Section 17: 20-20-201(1), MCA
Municipal Primary Elections (Odd Years)	Certification of List of Candidates; Trustees Declare Election by Acclamation if Applicable	25 days before May Election	70 days before May Election	April 11, 2014	February 25, 2014	Section 11: 20-3-313(1), MCA
	Even-Year School Election Date	First Tuesday after the first Monday in May	No Change to School Election Day	May 6, 2014	May 6, 2014	20-20-105(1), MCA
	Odd-Year School Election Date	First Tuesday after the first Monday in May	No Change to School Election Day	May 5, 2015	May 5, 2015	20-20-105(1), MCA
	Candidate Filing Opens	135 days before September Election	135 days before May Election	May 3, 2015	December 21, 2014	13-10-201(6)(a), MCA
	Candidate Filing Closes	75 days before September Election	75 days before May election	July 2, 2015	February 19, 2015	13-10-201(6)(a), MCA
Federal Primary Elections (Even Years)	Municipal Primary Election Date	First Tuesday after the second Monday in September	1st Tuesday after the first Monday in May	September 15, 2015	May 5, 2015	Section 3: 13-1-107(2), MCA
	Candidate Filing Opens	145 days before June Election	145 days before May election	January 9, 2014	December 12, 2013	13-10-201(6)(b), MCA
	Candidate Filing Closes	85 days before June Election	85 days before May election	March 10, 2014	February 10, 2014	13-10-201(6)(b), MCA
Federal Primary Date	First Tuesday after the first Monday in June	1st Tuesday after the first Monday in May	June 3, 2014	May 6, 2014	Section 3: 13-1-107(1), MCA	

**HB 242 and Fiscal Note
2011 Session**



1 HOUSE BILL NO. 242

2 INTRODUCED BY M. MILLER

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTION LAWS; REQUIRING A
5 PRIMARY ELECTION TO BE HELD IN MAY IN CONJUNCTION WITH A SCHOOL ELECTION DAY;
6 REQUIRING SCHOOL ELECTION DEADLINES TO BE CONSISTENT WITH PRIMARY ELECTION
7 DEADLINES; REQUIRING TITLE 13 ELECTION PROVISIONS TO GOVERN OVER SCHOOL ELECTIONS;
8 REVISING PROVISIONS FOR NOTICE OF AN ELECTION; AMENDING SECTIONS 13-1-101, 13-1-106,
9 13-1-107, 13-1-108, 13-1-401, 13-2-304, 13-13-205, 13-13-211, 13-16-201, 20-3-304, 20-3-305, 20-3-313,
10 20-3-344, 20-20-102, 20-20-103, 20-20-105, 20-20-106, 20-20-201, 20-20-203, 20-20-204, 20-20-401, AND
11 20-20-417, MCA; AND PROVIDING AN APPLICABILITY DATE."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14
15 **Section 1.** Section 13-1-101, MCA, is amended to read:

16 **"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following
17 definitions apply:

18 (1) "Active elector" means an elector whose name has not been placed on the inactive list due to failure
19 to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.

20 (2) "Active list" means a list of active electors maintained pursuant to 13-2-220.

21 (3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that
22 is ordinarily not given away free but is purchased.

23 (4) "Application for voter registration" means a voter registration form prescribed by the secretary of state
24 that is completed and signed by an elector, submitted to the election administrator, and contains voter registration
25 information subject to verification as provided by law.

26 (5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an
27 optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.

28 (6) "Candidate" means:

29 (a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or
30 appointment as a candidate for public office as required by law;

1 (b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained
2 contributions, made expenditures, or given consent to an individual, organization, political party, or committee
3 to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination
4 or election to any office at any time, whether or not the office for which the individual will seek nomination or
5 election is known when the:

6 (i) solicitation is made;

7 (ii) contribution is received and retained; or

8 (iii) expenditure is made; or

9 (c) an officeholder who is the subject of a recall election.

10 (7) (a) "Contribution" means:

11 (i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value
12 to influence an election;

13 (ii) a transfer of funds between political committees;

14 (iii) the payment by a person other than a candidate or political committee of compensation for the
15 personal services of another person that are rendered to a candidate or political committee.

16 (b) "Contribution" does not mean:

17 (i) services provided without compensation by individuals volunteering a portion or all of their time on
18 behalf of a candidate or political committee or meals and lodging provided by individuals in their private
19 residences for a candidate or other individual;

20 (ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any
21 broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

22 (iii) the cost of any communication by any membership organization or corporation to its members or
23 stockholders or employees; or

24 (iv) filing fees paid by the candidate.

25 (8) "Election" means a general, regular, special, school, or primary election held pursuant to the
26 requirements of state law, regardless of the time or purpose.

27 (9) "Election administrator" means the county clerk and recorder or the individual designated by a county
28 governing body to be responsible for all election administration duties, except that with regard to school elections
29 not administered by the county, the term means the school district clerk.

30 (10) "Elector" means an individual qualified to vote under state law.

1 (11) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift
2 of money or anything of value made for the purpose of influencing the results of an election.

3 (b) "Expenditure" does not mean:

4 (i) services, food, or lodging provided in a manner that they are not contributions under subsection (7);

5 (ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or
6 personal necessities for the candidate and the candidate's family;

7 (iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any
8 broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

9 (iv) the cost of any communication by any membership organization or corporation to its members or
10 stockholders or employees.

11 (12) "Federal election" means a general or primary election in which an elector may vote for individuals
12 for the office of president of the United States or for the United States congress.

13 (13) "General election" or "regular election" means an election held for the election of public officers
14 throughout the state at times specified by law, including elections for officers of political subdivisions when the
15 time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues
16 required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the
17 legislature to the electors at a general election, "general election" means an election held at the time provided
18 in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted
19 as a constitutional initiative at a regular election, regular election means an election held at the time provided in
20 13-1-104(1).

21 (14) "Inactive elector" means an individual who failed to respond to confirmation notices and whose name
22 was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

23 (15) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

24 (16) "Individual" means a human being.

25 (17) (a) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval
26 or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall
27 questions, school levy questions, bond issue questions, or a ballot question.

28 (b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the
29 proper official that the legal procedure necessary for its qualification and placement upon the ballot has been
30 completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the

1 secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

2 (18) "Legally registered elector" means an individual whose application for voter registration was
3 accepted, processed, and verified as provided by law.

4 (19) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing
5 ballots to all active electors.

6 (20) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee,
7 club, union, or other organization or group of individuals or a candidate as defined in subsection (6).

8 (21) "Place of deposit" means a location designated by the election administrator pursuant to 13-19-307
9 for a mail ballot election conducted under Title 13, chapter 19.

10 (22) "Political committee" means a combination of two or more individuals or a person other than an
11 individual who makes a contribution or expenditure:

12 (a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a
13 petition for nomination; or

14 (b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

15 (c) as an earmarked contribution.

16 (23) "Political subdivision" means a county, consolidated municipal-county government, municipality,
17 special district, school district, or any other unit of government, ~~except school districts~~, having authority to hold
18 an election for officers or on a ballot issue.

19 (24) "Polling place election" means an election primarily conducted at polling places rather than by mail
20 under the provisions of Title 13, chapter 19.

21 (25) "Primary" or "primary election" means an election held throughout the state to nominate candidates
22 for public office at times specified by law, including nominations of candidates for offices of school districts and
23 political subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state.

24 (26) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not been
25 verified as provided by law.

26 (27) "Provisionally registered elector" means an individual whose application for voter registration was
27 accepted but whose identity or eligibility has not yet been verified as provided by law.

28 (28) "Public office" means a state, county, municipal, school, or other district office that is filled by the
29 people at an election.

30 (29) "Random-sample audit" means an audit involving a manual count of ballots from designated races

1 and ballot issues in precincts selected through a random process as provided in 13-17-503.

2 (30) "Registrar" means the county election administrator and any regularly appointed deputy or assistant
3 election administrator.

4 (31) "Special election" means an election other than a statutorily scheduled primary or general election
5 held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled
6 election.

7 (32) "Statewide voter registration list" means the voter registration list established and maintained
8 pursuant to 13-2-107 and 13-2-108.

9 (33) "Transfer form" means a form prescribed by the secretary of state that may be filled out by an elector
10 to transfer the elector's registration when the elector's residence address has changed within the county.

11 (34) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in
12 13-15-206.

13 (35) "Voted ballot" means a ballot that is:

- 14 (a) deposited in the ballot box at a polling place;
15 (b) received at the election administrator's office; or
16 (c) returned to a place of deposit.

17 (36) "Voting system" or "system" means any machine, device, technology, or equipment used to
18 automatically record, tabulate, or process the vote of an elector cast on a paper ballot."
19

20 **Section 2.** Section 13-1-106, MCA, is amended to read:

21 **"13-1-106. Time of opening and closing of polls for all elections -- exceptions.** (1) Except as
22 provided in ~~subsections~~ subsection (2) ~~and (3)~~, polling places must be open from 7 a.m. to 8 p.m.

23 (2) A polling place having fewer than 400 registered electors must be open from no later than noon to
24 8 p.m. or until all registered electors in any precinct have voted, at which time the polling place must be closed
25 immediately.

26 ~~(3) If an election held under 13-1-104(3) and a school election are conducted in the same polling place,~~
27 ~~the polling place must be opened and closed at the times set for the school election, as provided in 20-20-106."~~
28

29 **Section 3.** Section 13-1-107, MCA, is amended to read:

30 **"13-1-107. Times for holding primary elections.** (1) On the first Tuesday after the first Monday in June

1 ~~May~~ preceding the general election provided for in 13-1-104(1), a primary election ~~shall~~ must be held throughout
2 the state.

3 (2) On the first Tuesday following the ~~second Monday in September~~ after the first Monday in May
4 preceding the general election provided for in 13-1-104(2), a primary election, if required, ~~shall~~ must be held
5 throughout the state.

6 (3) If the general election for a municipality required to hold annual elections is held in November, as
7 provided in 13-1-104(4), a primary election, if required, ~~shall~~ must be held on the ~~Tuesday following the second~~
8 ~~Monday in September~~ first Tuesday after the first Monday in May preceding the general election. In an
9 even-numbered year, the cost of this election must be paid by the municipality."

10

11 **Section 4.** Section 13-1-108, MCA, is amended to read:

12 **"13-1-108. Notice of special elections.** Notice of any special election must be ~~broadcast or published~~
13 at least three times in the 4 weeks immediately preceding the ~~close of registration on radio or television as~~
14 ~~provided in 2-3-105 through 2-3-107 or election~~ in a newspaper of general circulation in the jurisdiction where the
15 election will be held or may be broadcast on radio or television as provided in 2-3-105 through 2-3-107, using the
16 method the election administrator believes is best suited to reach the largest number of potential electors. ~~The~~
17 ~~provisions of this section are fulfilled upon the third publication or broadcast of the notice."~~

18

19 **Section 5.** Section 13-1-401, MCA, is amended to read:

20 **"13-1-401. Manner of conducting general elections for political subdivisions required to hold**
21 **annual elections.** (1) Any political subdivision required to hold annual elections under 13-1-104(3) may
22 cooperate with school districts having similar district boundaries to hold the election at the same location. The
23 election administrator or deputy election administrator appointed under the provisions of 13-1-301 shall cooperate
24 with the school district election administrator to share costs, as provided in 13-1-302.

25 (2) A political subdivision subject to 13-1-104(3) may, with the consent of the election administrator or
26 deputy election administrator, conduct its annual election at an annual meeting of the political subdivision or at
27 another convenient location within the political subdivision.

28 (3) A political subdivision election subject to 13-1-104(3) may be conducted by mail ballot as provided
29 in Title 13, chapter 19.

30 (4) The election administrator or deputy election administrator conducting an election under the



1 provisions of subsection (1), (2), or (3) shall give notice of the election ~~not less than 20 days or more than 40 days~~
 2 ~~before the day of the election by display advertisement at least two times in a newspaper of general circulation~~
 3 ~~within the political subdivision. The election administrator or deputy election administrator may notify the public~~
 4 ~~of the election by additional posting of notices or radio and television announcements in accordance with~~
 5 13-1-108."
 6

7 **Section 6.** Section 13-2-304, MCA, is amended to read:

8 **"13-2-304. Late registration -- late changes -- nonapplicability for school elections.** (1) Except as
 9 provided in ~~subsections~~ subsection (2) ~~and (3)~~, the following provisions apply:

10 (a) An elector may register or change the elector's voter registration information after the close of regular
 11 registration in 13-2-301 and vote in the election if the election administrator in the county where the elector
 12 resides receives and verifies the elector's voter registration information prior to the close of the polls on election
 13 day.

14 (b) Late registration is closed from noon to 5 p.m. on the day before the election.

15 (c) Except as provided in 13-2-514(2)(a), an elector who registers or changes the elector's voter
 16 information pursuant to this section may vote in the election only if the elector obtains the ballot from and returns
 17 it to the location designated by the county election administrator.

18 (2) If an elector has already been sent an absentee ballot for the election, the elector may change the
 19 elector's voter registration information only with respect to the next election.

20 ~~(3) The provisions of subsection (1) do not apply with respect to an elector's registration to vote in a~~
 21 ~~school election held pursuant to Title 20."~~
 22

23 **Section 7.** Section 13-13-205, MCA, is amended to read:

24 **"13-13-205. When ballots to be available.** (1) Except as provided in subsection (2), the election
 25 administrator shall ensure that ballots are available for voting at least:

26 (a) 30 days prior to an election for those elections held in compliance with 13-1-107(1) and 20-20-105;

27 (b) 20 days prior to an election for those elections held in compliance with 13-1-104(2) and (3) and
 28 13-1-107(2); and

29 (c) 30 days prior to an election held in conjunction with a federal general election in compliance with
 30 13-1-104(1).

1 (2) A ballot requested pursuant to Title 13, chapter 21, must be sent to the elector as soon as the ballot
2 is printed or at least 45 days in advance of an election held in conjunction with a federal general election in
3 compliance with 13-1-104(1)."

4
5 **Section 8.** Section 13-13-211, MCA, is amended to read:

6 **"13-13-211. Time period for application.** (1) Except as provided in 13-13-222, 13-21-210, and
7 subsection (2) of this section, an application for an absentee ballot must be made ~~during a period beginning 75~~
8 ~~days before the day of election and ending at~~ before noon on the day before the election.

9 (2) A qualified elector who is prevented from voting at the polls as a result of illness or health emergency
10 occurring between 5 p.m. of the Friday preceding the election and noon on election day may request to vote by
11 absentee ballot as provided in 13-13-212(2)."

12
13 **Section 9.** Section 13-16-201, MCA, is amended to read:

14 **"13-16-201. Conditions under which recount to be conducted.** (1) A recount must be conducted if:

15 (a) a candidate for a precinct office or for a county, municipal, or district office voted for in only one
16 county, other than a legislator or a judge of the district court, is defeated by a margin not exceeding 1/4 of 1% of
17 the total votes cast or by a margin not exceeding 10 votes, whichever is greater, and the defeated candidate,
18 within 5 days after the official canvass, files with the election administrator a verified petition stating that the
19 candidate believes that a recount will change the result and that a recount of the votes for the office or nomination
20 should be conducted;

21 (b) a candidate for a congressional office, a state or district office voted on in more than one county, the
22 legislature, or judge of the district court is defeated by a margin not exceeding 1/4 of 1% of the total votes cast
23 for all candidates for the same position and the defeated candidate, within 5 days after the official canvass, files
24 a petition with the secretary of state as set forth in subsection (1)(a). The secretary of state shall immediately
25 notify by certified mail each election administrator whose county includes any precincts that voted for the office,
26 and a recount must be conducted in those precincts.

27 (c) a question submitted to the vote of the people of a county, municipality, or district within a county is
28 decided by a margin not exceeding 1/4 of 1% of the total votes cast for and against the question and a petition
29 as set forth in subsection (1)(a) is filed with the election administrator. This petition must be signed by not less
30 than 10 electors of the jurisdiction and must be filed within 5 days after the official canvass.

1 (d) a question submitted to the vote of the people of the state is decided by a margin not exceeding 1/4
 2 of 1% of the total votes cast for and against the question and a petition as set forth in subsection (1)(a) is filed
 3 with the secretary of state. This petition must be signed by not less than 100 electors of the state, representing
 4 at least five counties of the state, and must be filed within 5 days after the official canvass.

5 (e) a question submitted to the vote of the people of a multicounty district is decided by a margin not
 6 exceeding 1/4 of 1% of the total votes cast for and against the question and a petition as set forth in subsection
 7 (1)(a) is filed with the secretary of state. This petition must be signed by not less than 25 electors of the district,
 8 representing at least two counties, and must be filed within 5 days after the official canvass.

9 (f) a canvassing board petitions for a recount as provided in 13-15-403.

10 (2) If the election is a regular school election, the petition is filed with the filing officer with whom the
 11 declarations for nomination for school district office were filed or with whom the school ballot issue was filed.

12 ~~(2)~~(3) When a recount is required under subsection (1)(b), (1)(d), or (1)(e), the secretary of state shall
 13 immediately notify each election administrator by certified mail of the filing of the petition, and a recount must be
 14 conducted in all precincts in each affected county."

15
 16 **Section 10.** Section 20-3-304, MCA, is amended to read:

17 **"20-3-304. Annual election.** In each district an election of trustees must be conducted annually on the
 18 regular school election day, the first Tuesday after the first Monday of May. If a regular school election is to be
 19 held in the same year as a primary election under 13-1-107(1), the school election must be held in conjunction
 20 with the primary election. Election of trustees must comply with the election provisions of Title 13 and this title."

21
 22 **Section 11.** Section 20-3-305, MCA, is amended to read:

23 **"20-3-305. Candidate qualification and nomination.** (1) Except as provided in 20-3-338, any person
 24 who is qualified to vote in a district under the provisions of 20-20-301 is eligible for the office of trustee.

25 (2) Except as provided in 20-3-338, any five electors qualified under the provisions of 20-20-301 of any
 26 district, except a first-class elementary district, may nominate as many trustee candidates as there are trustee
 27 positions subject to election at the ensuing election.

28 (3) The name of each person nominated for candidacy must be submitted to the clerk of the district not
 29 less than ~~40~~ 85 days before the regular school election day at which the person is to be a candidate. When a
 30 regular school election is held in conjunction with a primary election under 13-1-107(1) or when a county election

1 administrator is conducting the election for the school district in accordance with 20-20-417, the clerk of the
2 district shall submit the name of each person nominated for candidacy to the election administrator not less than
3 80 days before the date of the election.

4 (4) If there are different terms to be filled, the term for which each candidate is nominated must also be
5 indicated."

6

7 **Section 12.** Section 20-3-313, MCA, is amended to read:

8 **"20-3-313. Election by acclamation -- notice.** (1) If the number of candidates filing for vacant positions
9 or filing a declaration of intent to be a write-in candidate under 13-10-211 is equal to or less than the number of
10 positions to be elected, the trustees may give notice that a trustee election will not be held. Notice must be given
11 no later than ~~25~~ 70 days before the election.

12 (2) If a trustee election is not held, the trustees shall declare elected by acclamation the candidate who
13 filed for the position or who filed a declaration of intent to be a write-in candidate and shall issue a certificate of
14 election to the candidate."

15

16 **Section 13.** Section 20-3-344, MCA, is amended to read:

17 **"20-3-344. Nomination of candidates by petition in first-class elementary district.** (1) Except as
18 provided in 20-3-338, any 20 electors, qualified under the provisions of 20-20-301, of any first-class elementary
19 district may nominate by petition as many trustee candidates as there are trustee positions subject to election
20 at the ensuing election. The name of each person nominated for candidacy must be submitted to the clerk of the
21 district not less than ~~40~~ 85 days before the regular school election day at which the person is to be a candidate.
22 If there are different terms to be filled, the term for which each candidate is nominated must also be indicated.
23 The election must be conducted with the ballot as specified in 20-3-306.

24 (2) When a regular school election is held in conjunction with a primary election under 13-1-107(1) or
25 when a county election administrator is conducting the election for the school district in accordance with
26 20-20-417, the clerk of the district shall submit the name of each person nominated for candidacy to the election
27 administrator not less than 80 days before the date of the election."

28

29 **Section 14.** Section 20-20-102, MCA, is amended to read:

30 **"20-20-102. Precedence of school primary and general election provisions.** Except as otherwise

1 provided in this title, school elections ~~shall~~ must be conducted and canvassed and the results ~~shall~~ must be
 2 returned in the same manner as provided for general elections in Title 13. Should there be a conflict between the
 3 requirements of Title 13 and the provisions of this title regulating school elections, the provisions of ~~this title~~ Title
 4 13 ~~shall~~ govern. The superintendent of public instruction may make any necessary rules to clarify Title 13
 5 provisions for use in school elections."

6

7 **Section 15.** Section 20-20-103, MCA, is amended to read:

8 **"20-20-103. Election by ballot.** All school elections ~~shall~~ must be by ballot as described in Title 13."

9

10 **Section 16.** Section 20-20-105, MCA, is amended to read:

11 **"20-20-105. Regular school election day and special school elections -- limitation -- exception.**

12 (1) Except as provided in subsection (4), the first Tuesday after the first Monday of May of each year is the regular
 13 school election day. If a regular school election is held in the same year as a primary election under 13-1-107(1),

14 the school election must be conducted in conjunction with the primary election. Except as provided in subsections

15 (3) and (4), a proposition requesting additional funding under 20-9-353 may be submitted to the electors only
 16 once each calendar year on the regular school election day.

17 (2) Subject to the provisions of subsection (1), special school elections may be conducted at times
 18 determined by the trustees.

19 (3) In the event of an unforeseen emergency occurring on the date scheduled for the funding election
 20 pursuant to subsection (1), the district will be allowed to reschedule the election for a different day of the calendar
 21 year. As used in this section, "unforeseen emergency" has the meaning provided in 20-3-322(5).

22 (4) In years when the legislature meets in regular session or in a special session that affects school
 23 funding, the trustees may order the election on a date other than the regular school election day in order for the
 24 electors to consider a proposition requesting additional funding under 20-9-353."

25

26 **Section 17.** Section 20-20-106, MCA, is amended to read:

27 **"20-20-106. Poll hours.** (1) The polls for any school election in any district ~~shall open not later than noon~~
 28 must be open in accordance with 13-1-106. ~~The trustees may order the polls to open earlier, but no earlier than~~
 29 7 a.m.

30 (2) If the school election is held on the same day as an election held by a political subdivision under

1 13-1-104(3) and at the same polling place, the polls ~~shall~~ must be opened and closed ~~at the times required for~~
 2 ~~the school election in accordance with 13-1-106.~~

3 ~~(3) If the school election is held on the same day as a general or primary election, the polls shall be~~
 4 ~~opened and closed at the times required for the general or primary election.~~

5 ~~(4)~~(3) Once opened, the polls ~~shall~~ must be kept open continuously until 8 p.m., except that whenever
 6 all the registered electors at any poll have voted, the poll ~~shall~~ must be closed immediately."

7

8 **Section 18.** Section 20-20-201, MCA, is amended to read:

9 **"20-20-201. Calling of school election.** (1) At least ~~40~~ 90 days before any school election, the trustees
 10 of a district shall call the school election by resolution, stating the date and purpose of the election, and shall
 11 conduct it in accordance with the procedures required by law when:

- 12 (a) an election must be held on the regular school election day;
- 13 (b) in their discretion, the trustees order an election for a purpose authorized by law;
- 14 (c) the county superintendent orders an election in accordance with the law authorizing an order;
- 15 (d) the board of public education orders an election in accordance with the law authorizing an order;
- 16 (e) the county commissioners order an election in accordance with the law authorizing an order;
- 17 (f) the board of trustees of a community college district orders an election in accordance with the law
 18 authorizing an order, in which case the community college district shall bear its share of the cost of the election;
- 19 or
- 20 (g) a school election is required by law under any other circumstances.

21 (2) The resolution calling any school election must be transmitted to the county election administrator
 22 no later than 35 days before the election in order to enable the administrator to close the registration and prepare
 23 the lists of registered electors as required by school election laws."

24

25 **Section 19.** Section 20-20-203, MCA, is amended to read:

26 **"20-20-203. Resolution for poll hours, polling places, and judges.** (1) At the trustee meeting when
 27 a school election is called, the trustees shall:

- 28 (a) except as provided in 13-1-106 and 20-20-106(3), establish the time at which the polls are to open
 29 if in their discretion they determine that the polls must be open before noon;
- 30 (b) establish the polling places for the election, using the established polling places for general elections

1 within the district wherever possible; and

2 (c) appoint at least three judges for each polling place.

3 (2) There must be one polling place in each district unless the trustees establish additional polling places.

4 If more than one polling place is established, the trustees shall define the boundaries for each polling place so
5 that the boundaries for each polling place are coterminous with county precinct boundaries existing within a
6 district. If the site of a polling place is changed from the polling place site used for the last preceding school
7 election, special reference to the changed site of the polling place must be included in the notice for the election."

8

9 **Section 20.** Section 20-20-204, MCA, is amended to read:

10 **"20-20-204. Election notice.** ~~(1)(a)(1)~~ When the trustees of a district call a school election, they the
11 trustees shall give notice of the election ~~not less than 20 days or more than 30 days before the day of the election~~
12 in accordance with the notice requirements of 13-1-108 and by:

13 ~~—— (i) publication of the notice in a newspaper of general circulation if there is one in the district; and~~

14 ~~—— (ii) posting notices in three public places in the district, provided that in incorporated cities and towns, at~~
15 ~~least one notice must be posted at a public place in each ward or precinct.~~

16 ~~(b) Whenever, in the judgment of the trustees, the best interest of the district will be served by the~~
17 ~~supplemental publication of the school election notice in a radio or television broadcast, the trustees may cause~~
18 ~~that notification to be made:~~

19 (2) The notice of a school election, unless otherwise required by law, must specify:

20 (a) the date and polling places of the election;

21 (b) the hours that the polling places will be open;

22 (c) each proposition to be considered by the electorate;

23 (d) if there are trustees to be elected, the number of positions subject to election and the length of term
24 of each position; and

25 (e) where and how absentee ballots may be obtained.

26 (3) If more than one proposition is to be considered at the same school election, each proposition must
27 be set apart and separately identified in the same notice or published in separate notices."

28

29 **Section 21.** Section 20-20-401, MCA, is amended to read:

30 **"20-20-401. Trustees' election duties -- ballot certification.** (1) ~~The~~ Subject to 20-20-417, the trustees

1 are the general supervisors of school elections ~~unless the trustees request and the county election administrator~~
 2 ~~agrees to conduct a school election under 20-20-417.~~

3 (2) Not less than ~~25~~ 70 days before an election, the clerk of the district shall prepare a certified list of the
 4 names of all candidates entitled to be on the ballot and the official wording for each ballot issue.

5 (3) If a regular school election is held in the same year as a primary election under 13-1-107(1), the clerk
 6 of the district shall provide the certified list of the names of all candidates to the election administrator pursuant
 7 to 20-3-305.

8 (4) If a regular school election is not held in the same year as a primary election under 13-1-107(1), the
 9 The clerk shall arrange for printing the ballots. Ballots for absentee voting must be printed and available at least
 10 ~~20~~ 30 days before the election, except as provided in 20-9-426(2) for a bond election not held in conjunction with
 11 a school election. Names of candidates on school election ballots need not be rotated.

12 ~~(3)~~(5) Before the opening of the polls, the trustees shall cause each polling place to be supplied with the
 13 ballots and supplies necessary to conduct the election."
 14

15 **Section 22.** Section 20-20-417, MCA, is amended to read:

16 **"20-20-417. Request for county election administrator to conduct election.** (1) By Except as
 17 provided in subsection (4), by June 1 of each year, the trustees of a district may request the county election
 18 administrator to conduct certain school elections during the ensuing school fiscal year.

19 (2) Whenever the county election administrator agrees to conduct a school election, the administrator
 20 shall:

21 (a) perform the duties imposed on the trustees and the clerk of the district for school elections in
 22 20-20-203, 20-20-313, and 20-20-401;

23 (b) conduct the election in accordance with the provisions of Title 13, chapters 13 and 15; and

24 (c) deliver to the trustees, for the purpose of canvassing the vote, the certified tally sheets and other
 25 items as provided in 13-15-301.

26 (3) Whenever the trustees request the county election administrator to conduct a school election, the
 27 school district shall pay the costs of the election as provided in 13-1-302.

28 (4) For a regular school election held in the same year as a primary election under 13-1-107(1), the
 29 county election administrator shall conduct the school election in conjunction with the primary election."
 30





GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2013 Biennium

Bill #	HB0242	Title:	Revise school and municipal elections with primary elections
Primary Sponsor:	Miller, Mike	Status:	As Introduced

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input type="checkbox"/> Needs to be included in HB 2 | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2012 Difference</u>	<u>FY 2013 Difference</u>	<u>FY 2014 Difference</u>	<u>FY 2015 Difference</u>
Expenditures:				
General Fund	\$0	\$0	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	\$0	\$0	\$0	\$0

Description of fiscal impact: HB 242 requires the primary election to be held in conjunction with a school election day, which is the first Tuesday after the first Monday in May. The bill requires the school election deadlines to be consistent with primary election deadlines and provides that, if a regular school election is to be held in the same year as a primary election, the school election must be held in conjunction with the primary election. There would be no fiscal impact to the state from this bill.

FISCAL ANALYSIS

Assumptions:

1. In years when the school election must be held in conjunction with the primary election, the school district will pay its share of the election costs in accordance with 13-1-302, MCA.

Technical Notes:

HB0242_01.docx
1/20/2011

1. In 13-1-101(23), MCA, the definition of “political subdivision” is amended to include a school district. This is in conflict with 13-1-302, MCA, Election Costs, which contains separate provisions regarding the amount that a county may charge to a political subdivision and a school district for election costs when those elections are held in conjunction with a primary election.
2. In current law, a school district may accept a petition for trustee candidate not earlier than 135 days and no later than 40 days prior to the election day (see 13-10-201(6)(a) and 20-3-3-5(3), MCA). HB 242 amends 20-3-305, MCA, to change the deadline from 40 days prior to the election day to 85 days prior to the election day. This amendment would shorten the time period for filing a petition for trustee candidates from 95 days to 50 days.
3. In 20-3-313(1), MCA, notice that a trustee election will not be held because the number of candidates filing for vacant positions or filing a declaration to be a write-in candidate is equal to or less than the number of positions to be held (acclamation) is amended from 25 days before the election to 70 days before the election. However, 13-10-211(3), MCA, provides a person seeking to become a write-in candidate for a trustee position in a school board election shall file a declaration no later than the 26th day before the election. The trustees of a school district would not be able to declare an election by acclamation 70 days prior to the election if the deadline for write-in candidates is 26 days prior to the election.
4. In 20-201(1), MCA, the deadline for calling of a school election is amended from 40 days prior to the election to 90 days prior to the election. In 20-20-105(1), MCA, a proposition requesting additional funding under 20-9-353, MCA, (i.e., a general fund levy election) may be submitted to the electors only once each calendar year on the regular school election day. With this amendment, school trustees would be required to call for a general fund levy election in early February. Trustees do not receive budget limit information from the Office of Public Instruction until March 1. Trustees would not have enough information to determine whether a general fund levy election is required by law.
5. In 20-20-401(2), MCA, the deadline to certify the official wording on the ballot is amended from 25 days prior to the election to 70 days prior to the election. In the case of a proposition requesting additional funding under 20-9-353, MCA, the trustees would not have enough information to provide the official wording for the ballot 70 days prior to the election.

Sponsor's Initials

Date

Budget Director's Initials

Date

**HB 841 and Fiscal Note
2007 Session**

HOUSE BILL NO. 841

INTRODUCED BY D. ANKNEY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELECTION LAWS; CHANGING THE DATE OF THE REGULAR SCHOOL ELECTION AND THE STATEWIDE PRIMARY ELECTION; PROVIDING AN APPROPRIATION; AMENDING SECTIONS SECTION 13-1-107 AND ~~20-20-405~~, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-1-107, MCA, is amended to read:

"13-1-107. Times for holding primary elections. (1) On the first Tuesday after the first Monday in ~~June~~ April MAY preceding the general election provided for in 13-1-104(1), a primary election ~~shall~~ must be held throughout the state.

(2) On the Tuesday following the second Monday in September preceding the general election provided for in 13-1-104(2), a primary election, if required, ~~shall~~ must be held throughout the state.

(3) If the general election for a municipality required to hold annual elections is held in November, as provided in 13-1-104(4), a primary election, if required, ~~shall~~ must be held on the Tuesday following the second Monday in September. In an even-numbered year, the cost of this election must be paid by the municipality."

~~Section 2.~~ Section ~~20-20-405~~, MCA, is amended to read:

~~"20-20-405. Regular school election day and special school elections -- limitation -- exception:~~

~~(1) The first Tuesday after the first Monday of May April MAY of each year is the regular school election day. Except as provided in subsection (3), a proposition requesting additional funding under 20-9-353 may be submitted to the electors only once each calendar year on the regular school election day.~~

~~(2) Subject to the provisions of subsection (1), special school elections may be conducted at times determined by the trustees.~~

~~(3) In the event of an unforeseen emergency occurring on the date scheduled for the funding election pursuant to subsection (1), the district will be allowed to reschedule the election for a different day of the calendar year. As used in this section, "unforeseen emergency" has the meaning provided in 20-3-322(5)."~~

1
2
3
4
5
6
7

NEWSECTION. Section 2. Appropriation. There is appropriated in each of fiscal years 2008 and 2009 \$1,500 from the general fund to the secretary of state to produce copies of a booklet containing Title 13 of the Montana Code Annotated and related administrative rules and forms.

NEWSECTION. Section 3. Effective date. [This act] is effective July 1, 2007.

- END -



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2009 Biennium

Bill # HB0841

Title: Change and consolidate school and primary election dates

Primary Sponsor: Ankney, Duane

Status: Second Reading

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input type="checkbox"/> Needs to be included in HB 2 | <input type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
Expenditures:				
General Fund	\$1,500	\$1,500	\$0	\$0
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance	<u>(\$1,500)</u>	<u>(\$1,500)</u>	<u>\$0</u>	<u>\$0</u>

Description of Fiscal Impact:

The bill appropriates \$1,500 in both FY 2008 and FY 2009 of general fund to the Office of the Secretary of State.

FISCAL ANALYSIS

Assumptions:

1. HB 841 moves the primary election from June to May.
2. The primary election and school elections will be held on the same day.
3. School districts and county election administrators may coordinate their respective elections but are not required to do so.
4. The Secretary of State's Office will produce booklets containing election laws and related administrative rules and forms.
5. The bill appropriates \$1,500 of general fund each year in fiscal years 2008 and 2009 to the Office of the Secretary of State.

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
<u>Fiscal Impact:</u>				
Office of the Secretary of State				
<u>Expenditures:</u>				
Operating Expenses	\$1,500	\$1,500	\$0	\$0
<u>Funding of Expenditures:</u>				
General Fund (01)	\$1,500	\$1,500	\$0	\$0
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$1,500)	(\$1,500)	\$0	\$0

Sponsor's Initials

Date

Budget Director's Initials

Date

**HB 599 and Fiscal Note
2003 Session**

HOUSE BILL NO. 599

INTRODUCED BY SALES

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SPECIAL ELECTION CONDUCTED BY A POLITICAL SUBDIVISION ON A COUNTYWIDE BASIS TO BE CONDUCTED IN CONJUNCTION WITH A STATUTORILY SCHEDULED ELECTION; AMENDING SECTION 13-1-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-1-101, MCA, is amended to read:

"13-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Active elector" means a qualified elector whose name is on the active list.

(2) "Active list" means a list of active electors maintained by an election administrator pursuant to 13-2-219.

(3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(4) "Application for voter registration" means a completed voter registration card submitted to the election administrator and subject to confirmation, as provided in 13-2-207.

(5) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or appointment as a candidate for public office as required by law;

(b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

1 (iii) expenditure is made; and

2 (c) an officeholder who is the subject of a recall election.

3 (6) (a) "Contribution" means:

4 (i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value
5 to influence an election;

6 (ii) a transfer of funds between political committees;

7 (iii) the payment by a person other than a candidate or political committee of compensation for the
8 personal services of another person that are rendered to a candidate or political committee.

9 (b) "Contribution" does not mean:

10 (i) services provided without compensation by individuals volunteering a portion or all of their time on
11 behalf of a candidate or political committee or meals and lodging provided by individuals in their private
12 residence for a candidate or other individual;

13 (ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any
14 broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

15 (iii) the cost of any communication by any membership organization or corporation to its members or
16 stockholders or employees; or

17 (iv) filing fees paid by the candidate.

18 (7) "Election" means a general, regular, special, or primary election held pursuant to the requirements
19 of state law, regardless of the time or purpose.

20 (8) "Election administrator" means the county clerk and recorder or the individual designated by a
21 county governing body to be responsible for all election administration duties, except that with regard to school
22 elections, the term means the school district clerk.

23 (9) "Elector" means an individual qualified and registered to vote under state law.

24 (10) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift
25 of money or anything of value made for the purpose of influencing the results of an election.

26 (b) "Expenditure" does not mean:

27 (i) services, food, or lodging provided in a manner that they are not contributions under subsection (6);

28 (ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or
29 personal necessities for the candidate and the candidate's family;

30 (iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any

1 broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

2 (iv) the cost of any communication by any membership organization or corporation to its members or
3 stockholders or employees.

4 (11) "Federal election" means a general or primary election in which an elector may vote for individuals
5 for the office of president of the United States or for the United States congress.

6 (12) (a) "General election" or "regular election" means an election held for the election of public officers
7 throughout the state at times specified by law, including elections for officers of political subdivisions when the
8 time of the election is set on the same date for all similar political subdivisions in the state.

9 (b) For ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana
10 constitution to be submitted by the legislature to the electors at a general election, "general election" means an
11 election held at the time provided in 13-1-104(1).

12 (c) For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted as
13 a constitutional initiative at a regular election, "regular election" means an election held at the time provided in
14 13-1-104(1).

15 (13) "Inactive elector" means an individual whose name is placed on an inactive list.

16 (14) "Inactive list" means a list of inactive electors maintained by an election administrator pursuant to
17 13-2-219.

18 (15) "Individual" means a human being.

19 (16) (a) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their
20 approval or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments,
21 recall questions, school levy questions, bond issue questions, or a ballot question.

22 (b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the
23 proper official that the legal procedure necessary for its qualification and placement upon the ballot has been
24 completed, except that a statewide issue becomes a "ballot issue" upon approval by the secretary of state of
25 the form of the petition or referral.

26 (17) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee,
27 club, union, or other organization or group of individuals or a candidate as defined in subsection (5).

28 (18) "Political committee" means a combination of two or more individuals or a person other than an
29 individual who makes a contribution or expenditure:

30 (a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a

1 petition for nomination; or

2 (b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue;
3 or

4 (c) as an earmarked contribution.

5 (19) "Political subdivision" means a county, consolidated municipal-county government, municipality,
6 special district, or any other unit of government, except school districts, having authority to hold an election for
7 officers or on a ballot issue.

8 (20) "Primary" or "primary election" means an election held throughout the state to nominate candidates
9 for public office at times specified by law, including nominations of candidates for offices of political subdivisions
10 when the time for nominations is set on the same date for all similar subdivisions in the state.

11 (21) "Public office" means a state, county, municipal, school, or other district office that is filled by the
12 people at an election.

13 (22) "Registrar" means the county election administrator and any regularly appointed deputy or assistant
14 election administrator.

15 (23) "Special election" means an election, other than a statutorily scheduled primary or general election,
16 held ~~at any time~~ for any purpose provided by law. ~~It may~~ A special election OF A POLITICAL SUBDIVISION that is to
17 be conducted on a countywide basis must be held in conjunction with a statutorily scheduled election.

18 (24) "Voting machine or device" means any equipment used to record, tabulate, or in any manner
19 process the vote of an elector."

20

21 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

22

- END -

FISCAL NOTE

Bill #: HB0599

Title: All elections to be held in conjunction with primary or general election

Primary Sponsor: Sales, S

Status: As Introduced

Sponsor signature	Date	Chuck Swysgood, Budget Director	Date
-------------------	------	---------------------------------	------

Fiscal Summary

	<u>FY 2004 Difference</u>	<u>FY 2005 Difference</u>
Expenditures:		
General Fund	\$0	\$0
Revenue:		
General Fund	\$0	\$0
Net Impact on General Fund Balance:	\$0	\$0

-
- | | |
|--|--|
| <input checked="" type="checkbox"/> Significant Local Gov. Impact
<input type="checkbox"/> Included in the Executive Budget
<input type="checkbox"/> Dedicated Revenue Form Attached | <input type="checkbox"/> Technical Concerns
<input type="checkbox"/> Significant Long-Term Impacts
<input type="checkbox"/> Needs to be included in HB 2 |
|--|--|
-

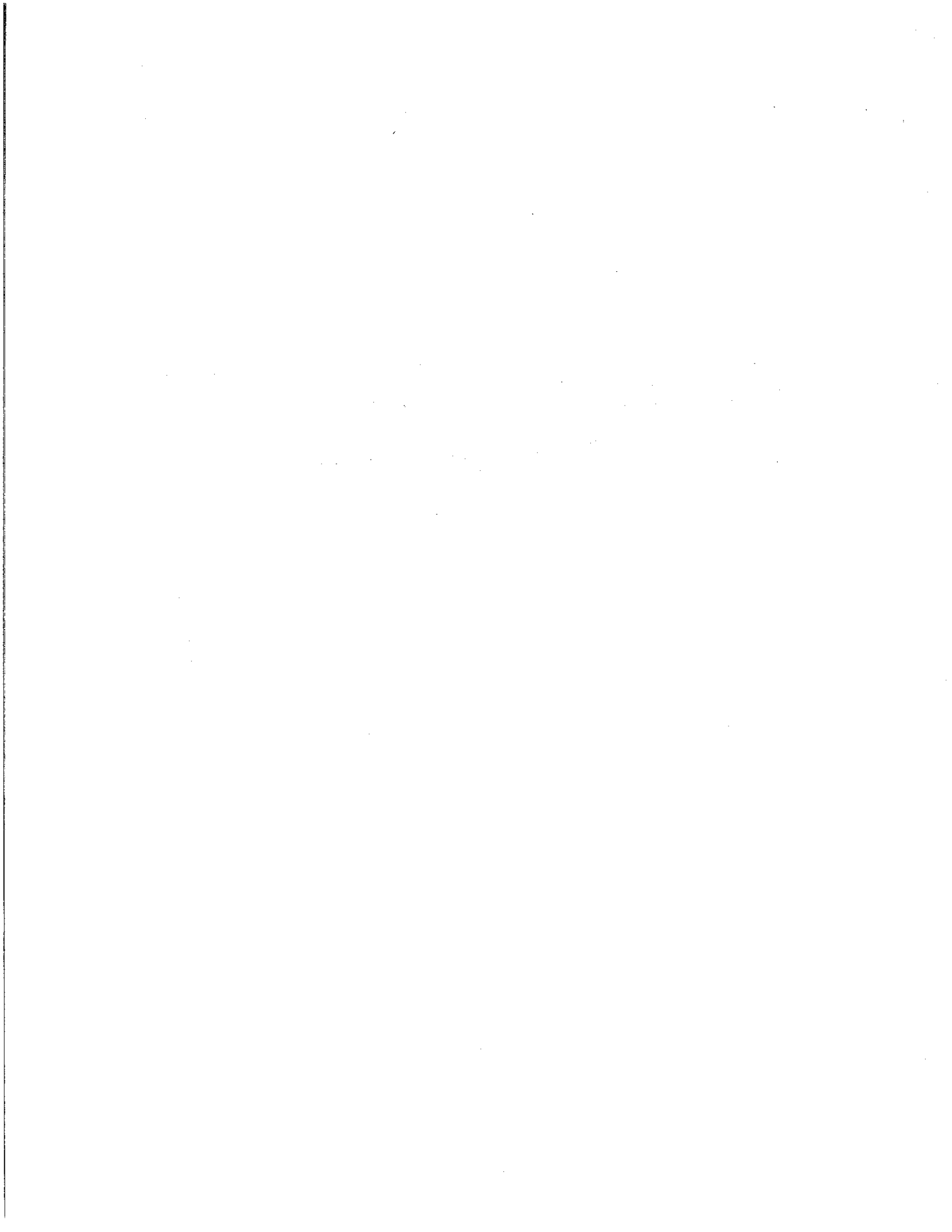
Fiscal Analysis

ASSUMPTIONS:

1. There is no fiscal impact to the Secretary of State.



**SB 110 and Fiscal Note
2001 Session**



1 SENATE BILL NO. 110

2 INTRODUCED BY A. ELLIS

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTION DATES BY ESTABLISHING
5 THE TUESDAY BEFORE MEMORIAL DAY IN MAY AS THE REGULAR SCHOOL ELECTION, TRUSTEE
6 ELECTION, AND STATE PRIMARY ELECTION DATE; AUTHORIZING THE USE OF MAIL BALLOTS FOR
7 CERTAIN SPECIAL LEVIES; PROVIDING FOR THE CONDUCT OF SCHOOL ELECTIONS BY THE COUNTY
8 ELECTION ADMINISTRATOR; ADJUSTING CERTAIN MEETING AND NOTIFICATION DATES TO CONFORM
9 WITH THE ELECTION DATE; AMENDING SECTIONS 7-6-2531, 13-1-101, 13-1-104, 13-1-106, 13-1-107,
10 13-1-301, 13-1-302, 13-12-205, 13-12-207, 13-13-205, 20-3-304, 20-3-305, 20-3-306, 20-3-307,
11 20-3-313, 20-3-321, 20-3-324, 20-6-203, 20-6-205, 20-6-206, 20-6-315, 20-6-317, 20-6-704,
12 20-9-422, 20-15-203, 20-15-206, 20-15-208, 20-15-221, 20-15-222, 20-15-225, 20-20-101,
13 20-20-105, 20-20-201, AND 20-20-401, MCA; REPEALING SECTIONS 20-20-102, 20-20-103,
14 20-20-104, 20-20-106, 20-20-107, 20-20-108, 20-20-202, 20-20-203, 20-20-303, 20-20-312,
15 20-20-313, 20-20-402, 20-20-410, 20-20-411, 20-20-415, 20-20-416, 20-20-417, AND 20-20-421,
16 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

17

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19

20 **Section 1.** Section 7-6-2531, MCA, is amended to read:

21 **"7-6-2531. County may exceed maximum mill levy -- election required.** The governing body of
22 a county may raise money by taxation for the support of county government services, facilities, or other
23 capital projects in excess of the levy or levies allowed by law under the following conditions:

24 (1) The governing body shall pass a resolution indicating its intent to exceed the current statutory
25 mill levy on the approval of a majority of the qualified electors voting in an election under subsection (2).

26 The resolution must include:

27 (a) the specific purpose for which the additional money will be used;

28 (b) the specific amount to be raised;

29 (c) the approximate number of mills required; and

30 (d) the specific mill levy limitation to be exceeded.

1 (2) (a) Except as provided in subsection (2)(b), the governing body shall submit the question of
2 the additional mill levy to the qualified electors of the county at the next regular primary election held in
3 an even-numbered year.

4 (b) If the purpose of the special levy designated pursuant to subsection (1)(a) is for the support
5 of a health care facility as described in 7-6-2512, the governing body may submit the question of the
6 additional mill levy to the qualified electors of the county at a general election, at a school election held
7 pursuant to 20-3-304, ~~or~~ at a regular primary election held in an even-numbered year, or by mail ballot.

8 (c) If the majority voting on the question are in favor of the additional levy or levies, the governing
9 body is authorized to exceed the statutory mill levy limit in the amount specified in the resolution for a
10 period not to exceed 2 years."

11

12 **Section 2.** Section 13-1-101, MCA, is amended to read:

13 **"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the
14 following definitions apply:

15 (1) "Active elector" means a qualified elector whose name is on the active list.

16 (2) "Active list" means a list of active electors maintained by an election administrator pursuant
17 to 13-2-219.

18 (3) "Anything of value" means any goods that have a certain utility to the recipient that is real and
19 that is ordinarily not given away free but is purchased.

20 (4) "Application for voter registration" means a completed voter registration card submitted to the
21 election administrator and subject to confirmation, as provided in 13-2-207.

22 (5) "Candidate" means:

23 (a) an individual who has filed:

24 (i) a declaration or petition for nomination;

25 (ii) acceptance of nomination or appointment as a candidate for public office as required by law;

26 (b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and
27 retained contributions, made expenditures, or given consent to an individual, organization, political party,
28 or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf
29 to secure nomination or election to any office at any time, whether or not the office for which the
30 individual will seek nomination or election is known when the:

- 1 (i) solicitation is made;
- 2 (ii) contribution is received and retained; or
- 3 (iii) expenditure is made; and
- 4 (c) an officeholder who is the subject of a recall election.
- 5 (6) (a) "Contribution" means:
- 6 (i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of
- 7 value to influence an election;
- 8 (ii) a transfer of funds between political committees;
- 9 (iii) the payment by a person other than a candidate or political committee of compensation for the
- 10 personal services of another person that are rendered to a candidate or political committee.
- 11 (b) ~~"Contribution"~~ Contribution does not mean:
- 12 (i) services provided without compensation by individuals volunteering a portion or all of their time
- 13 on behalf of a candidate or political committee or meals and lodging provided by individuals in their private
- 14 residence for a candidate or other individual;
- 15 (ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities
- 16 of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;
- 17 (iii) the cost of any communication by any membership organization or corporation to its members
- 18 or stockholders or employees, as long as the organization is not a primary political committee; or
- 19 (iv) filing fees paid by the candidate.
- 20 (7) "Election" means a general, regular, special, or primary election held pursuant to the
- 21 requirements of state law, regardless of the time or purpose.
- 22 (8) "Election administrator" means the county clerk and recorder or the individual designated by
- 23 a county governing body to be responsible for all election administration duties, ~~except that with regard~~
- 24 ~~to school elections, the term means the school district clerk.~~
- 25 (9) "Elector" means an individual qualified and registered to vote under state law.
- 26 (10) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge,
- 27 or gift of money or anything of value made for the purpose of influencing the results of an election.
- 28 (b) ~~"Expenditure"~~ Expenditure does not mean:
- 29 (i) services, food, or lodging provided in a manner that they are not contributions under subsection
- 30 (6);

1 (ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging,
2 or personal necessities for the candidate and the candidate's family;

3 (iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities
4 of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;
5 or

6 (iv) the cost of any communication by any membership organization or corporation to its members
7 or stockholders or employees, as long as the organization is not a primary political committee.

8 (11) "Federal election" means a general or primary election in which an elector may vote for
9 individuals for the office of president of the United States or for the United States congress.

10 (12) "General election" or "regular election" means an election held for the election of public
11 officers throughout the state at times specified by law, including elections for officers of political
12 subdivisions when the time of the election is set on the same date for all similar political subdivisions in
13 the state. For ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana
14 constitution to be submitted by the legislature to the electors at a general election, ~~"general election"~~
15 general election means an election held at the time provided in 13-1-104(1). For ballot issues required by
16 Article XIV, section 9, of the Montana constitution to be submitted as a constitutional initiative at a regular
17 election, regular election means an election held at the time provided in 13-1-104(1).

18 (13) "Inactive elector" means an individual whose name is placed on an inactive list.

19 (14) "Inactive list" means a list of inactive electors maintained by an election administrator
20 pursuant to 13-2-219.

21 (15) "Individual" means a human being.

22 (16) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their
23 approval or rejection, including but not limited to initiatives, referenda, proposed constitutional
24 amendments, recall questions, school levy questions, bond issue questions, or a ballot question. For the
25 purposes of chapters 35, 36, or 37, an issue becomes a ~~"ballot issue"~~ ballot issue upon certification by
26 the proper official that the legal procedure necessary for its qualification and placement upon the ballot
27 has been completed, except that a statewide issue becomes an ~~"issue"~~ issue upon approval by the
28 secretary of state of the form of the petition or referral.

29 (17) "Person" means an individual, corporation, association, firm, partnership, cooperative,
30 committee, club, union, or other organization or group of individuals or a candidate ~~as defined in subsection~~

1 (5).

2 (18) "Political committee" means a combination of two or more individuals or a person other than
3 an individual who makes a contribution or expenditure:

4 (a) to support or oppose a candidate or a committee organized to support or oppose a candidate
5 or a petition for nomination; or

6 (b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot
7 issue; or

8 (c) as an earmarked contribution.

9 (19) "Political subdivision" means a county, consolidated municipal-county government,
10 municipality, special district, or any other unit of government, except school districts, having authority to
11 hold an election for officers or on a ballot issue.

12 (20) "Primary" or "primary election" means an election held throughout the state to nominate
13 candidates for public office at times specified by law, including nominations of candidates for offices of
14 political subdivisions when the time for nominations is set on the same date for all similar subdivisions in
15 the state.

16 (21) "Public office" means a state, county, municipal, school, or other district office that is filled
17 by the people at an election.

18 (22) "Registrar" means the county election administrator and any regularly appointed deputy or
19 assistant election administrator.

20 (23) "Special election" means an election other than a statutorily scheduled primary or general
21 election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily
22 scheduled election.

23 (24) "Voting machine or device" means any equipment used to record, tabulate, or in any manner
24 process the vote of an elector."

25

26 **Section 3.** Section 13-1-104, MCA, is amended to read:

27 **"13-1-104. Times for holding general elections.** (1) A general election must be held throughout
28 the state in every even-numbered year on the first Tuesday after the first Monday of November to vote
29 on ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to
30 be submitted by the legislature to the electors at a general election, unless an earlier date is provided in

1 a law authorizing a special election on an initiative or referendum pursuant to Article III, section 6, and to
 2 elect federal officers, state or multicounty district officers, members of the legislature, judges of the
 3 district court, and county officers when the terms of the offices will expire before the next scheduled
 4 election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

5 (2) A general election must be held throughout the state in every odd-numbered year on the first
 6 Tuesday after the first Monday in November to elect municipal officers, officers of political subdivisions
 7 wholly within one county and not required to hold annual elections, and any other officers specified by law
 8 for election in odd-numbered years when the term for the offices will expire before the next scheduled
 9 election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

10 (3) The general election for any political subdivision, other than a municipality, required to hold
 11 elections annually ~~shall~~ must be held on school election day, the ~~first Tuesday after the first Monday of~~
 12 before Memorial Day in May of each year, and is subject to the election procedures provided for in
 13 13-1-401.

14 (4) The general election for a municipality required to hold elections annually may be held either
 15 on school election day, as provided in subsection (3), or on the first Tuesday after the first Monday in
 16 November, at the discretion of the governing body."

17

18 **Section 4.** Section 13-1-106, MCA, is amended to read:

19 "**13-1-106. Time of opening and closing of polls for all elections -- exceptions exception.** (1) Polls
 20 must be open from 7 a.m. to 8 p.m., except polling places having fewer than 200 registered electors,
 21 which must be open from noon to 8 p.m. or until all registered electors in any precinct have voted, at
 22 which time the polls ~~shall~~ must be closed immediately.

23 ~~(2) When an election held under 13-1-104(3) and a school election are conducted in the same~~
 24 ~~polling place, the polls shall be opened and closed at the times set for the school election, as provided in~~
 25 ~~20-20-106."~~

26

27 **Section 5.** Section 13-1-107, MCA, is amended to read:

28 "**13-1-107. Times for holding primary elections.** (1) On the ~~first Tuesday after the first Monday~~
 29 ~~in June~~ before Memorial Day in May preceding the general election provided for in 13-1-104(1), a primary
 30 election ~~shall~~ must be held throughout the state.

1 (2) On the Tuesday following the second Monday in September preceding the general election
2 provided for in 13-1-104(2), a primary election, if required, ~~shall~~ must be held throughout the state.

3 (3) If the general election for a municipality required to hold annual elections is held in November,
4 as provided in 13-1-104(4), a primary election, if required, ~~shall~~ must be held on the Tuesday following
5 the second Monday in September. In an even-numbered year, the cost of this election must be paid by the
6 municipality."

7

8 **Section 6.** Section 13-1-301, MCA, is amended to read:

9 **"13-1-301. Election administrator.** (1) The county clerk and recorder of each county is the election
10 administrator unless the governing body of the county designates another official or appoints an election
11 administrator.

12 (2) The election administrator is responsible for the administration of all procedures relating to
13 registration of electors and conduct of elections and shall keep all records relating to elector registration
14 and elections.

15 ~~(3) The election administrator may appoint a deputy election administrator for each political~~
16 ~~subdivision required to hold annual elections under the provisions of 13-1-104(3). Each election~~
17 ~~administrator or deputy election administrator is responsible for the conduct of the annual elections of such~~
18 ~~political subdivision, as provided by 13-1-401."~~

19

20 **Section 7.** Section 13-1-302, MCA, is amended to read:

21 **"13-1-302. Election costs.** (1) Unless specifically provided otherwise, all costs of the regularly
22 scheduled primary and general elections ~~shall~~ must be paid by the counties and other political subdivisions
23 for which the elections are held. Each political subdivision shall bear its proportionate share of the costs
24 as determined by the county governing body.

25 (2) A political subdivision holding an annual election with a regularly scheduled school election
26 shall bear its proportionate share of the costs as determined by the ~~county~~ election administrator ~~and the~~
27 ~~school district election administrator.~~

28 (3) The political subdivision for which a special election is held shall bear all costs of the election;
29 or its proportionate share as determined by the county governing body if held in conjunction with any other
30 election.

1 (4) Costs of elections may not include the services of the election administrator or capital
2 expenditures.

3 (5) The county governing body shall set a schedule of fees for services provided to school districts
4 by the election administrator.

5 (6) Election costs ~~shall~~ must be paid from county funds, and any shares paid by other political
6 subdivisions ~~shall~~ must be credited to the fund from which the costs were paid.

7 (7) The proportionate costs referred to in subsection (1) ~~of this section shall~~ may be only those
8 additional costs incurred as a result of the political subdivision holding its election in conjunction with the
9 primary or general election."
10

11 **Section 8.** Section 13-12-205, MCA, is amended to read:

12 **"13-12-205. Arrangement of names -- rotation listing on ballot.** (1) The candidates' names ~~shall~~
13 must be arranged alphabetically on the ballot according to surnames under the title of the respective
14 offices.

15 (2) (a) Except as provided in subsection (3), if two or more individuals are candidates for
16 nomination or election to the same office, the election administrator shall divide the ballot forms into sets
17 equal in number to the greatest number of candidates for any office. The candidates for nomination to an
18 office by each political party ~~shall~~ must be considered separately in determining the number of sets
19 necessary for a primary election.

20 (b) The election administrator shall ~~begin with a form arranged alphabetically and rotate so that~~
21 ~~each~~ arrange ~~candidate's name will be at the top of the list for each office on substantially an equal~~
22 ~~number of ballots~~ candidates' names on the ballot numerically according to filing, with the candidate with
23 the earliest filing placed at the top of the list for each office. ~~If it is not numerically possible to place each~~
24 ~~candidate's name at the top of the list, the names shall be rotated in groups so that each candidate's name~~
25 ~~is as near the top of the list as possible on substantially an equal number of ballots.~~

26 ~~(c) If the county contains more than one legislative district, the election administrator may rotate~~
27 ~~each candidate's name so that it will be at or near the top of the list for each office on substantially an~~
28 ~~equal number of ballots in each house district.~~

29 ~~(d)~~(c) For purposes of rotation listing by filing, the offices of president and vice president and of
30 governor and lieutenant governor ~~shall~~ must be considered as a group.

1 ~~(e)~~(d) No more than one of the sets may be used in printing the ballot for use in any one precinct,
2 and all ballots furnished for use in any precinct must be identical.

3 (3) In a precinct where voting devices are used, the election administrator need not ~~rotate~~ list
4 candidates' names, as provided in subsection (2), on paper ballots required under 13-17-305; however,
5 if more than 5% of the electors voting in the precinct in the last preceding general election voted using
6 paper ballots, the election administrator shall ~~rotate~~ list candidates' names according to filing on the paper
7 ballots. ~~If the candidates' names are not rotated, the election administrator shall determine by lot the~~
8 ~~arrangement of the names on the paper ballot."~~

9

10 **Section 9.** Section 13-12-207, MCA, is amended to read:

11 **"13-12-207. Order of placement.** (1) The order on the ballot for state and national offices ~~shall~~
12 must be as follows:

13 (a) ~~If~~ if the election is in a year in which a president of the United States is to be elected, in spaces
14 separated from the balance of the party tickets by a heavy black line ~~shall be the,~~ names and spaces for
15 voting for candidates for president and vice president. The names of candidates for president and vice
16 president for each political party ~~shall~~ must be grouped together.

17 (b) United States senator;

18 (c) United States representative;

19 (d) ~~Governor~~ governor and lieutenant governor;

20 (e) ~~Secretary~~ secretary of state;

21 (f) ~~Attorney~~ attorney general;

22 (g) ~~State~~ state auditor;

23 (h) ~~Public~~ public service commissioners;

24 (i) ~~State~~ state superintendent of public instruction;

25 (j) Clerk clerk of the supreme court;

26 (k) Chief chief justice of the supreme court;

27 (l) ~~Justices~~ justices of the supreme court;

28 (m) ~~District~~ district court judges;

29 (n) ~~State~~ state senators;

30 (o) ~~Members~~ members of the house of representatives.

1 (2) The following order of placement ~~shall~~ must be observed for county offices:

- 2 (a) clerk of the district court;
 3 (b) county commissioner;
 4 (c) county clerk and recorder;
 5 (d) sheriff;
 6 (e) coroner;
 7 (f) county attorney;
 8 (g) county superintendent of schools;
 9 (h) county auditor;
 10 (i) public administrator;
 11 (j) county assessor;
 12 (k) county treasurer;
 13 (l) surveyor;
 14 (m) justice of the peace.

15 (3) The following order of placement must be observed for school district trustee offices:

- 16 (a) elementary district trustees;
 17 (b) high school trustees.

18 ~~(3)~~(4) The secretary of state shall designate the order for placement on the ballot of any offices
 19 not on the ~~above~~ lists in subsections (1) through (3), except that the election administrator shall designate
 20 the order of placement for municipal, charter, consolidated, or confederated local government offices and
 21 district offices when the district is part of only one county.

22 ~~(4)~~(5) Constitutional amendments ~~shall~~ must be placed before statewide referendum and initiative
 23 measures. Ballot issues for a county, municipality, school district, or other political subdivision ~~shall~~ must
 24 follow statewide measures in the order designated by the election administrator.

25 ~~(5)~~(6) If any offices are not to be elected, they ~~shall~~ may not be listed, but the order of the offices
 26 to be filled ~~shall~~ must be maintained.

27 ~~(6)~~(7) If there is a short-term and a long-term election for the same office, the long-term office
 28 ~~shall~~ must precede the short-term."

29

30 **Section 10.** Section 13-13-205, MCA, is amended to read:

1 **"13-13-205. When ballots to be available.** (1) The election administrator shall ensure that ballots
2 are printed and available for absentee voting at least 45 days prior to an election for those elections held
3 in compliance with 13-1-104(1) and (3) and 13-1-107(1).

4 (2) For elections held in compliance with 13-1-104(2) ~~and (3)~~ and 13-1-107(2), the election
5 administrator shall ensure that ballots are printed and available for absentee voting at least 20 days prior
6 to an election."

7
8 **Section 11.** Section 20-3-304, MCA, is amended to read:

9 **"20-3-304. Annual election.** In each district, an election of trustees must be conducted annually
10 on the regular school election day, the ~~first~~ Tuesday ~~after the first Monday of~~ before Memorial Day in May.
11 Election of trustees must comply with the election provisions of Title 13 and this title."

12

13 **Section 12.** Section 20-3-305, MCA, is amended to read:

14 **"20-3-305. Candidate qualification and nomination.** (1) Except as provided in 20-3-338, any
15 person who is qualified to vote in a district under the provisions of 20-20-301 is eligible for the office of
16 trustee.

17 (2) Except as provided in 20-3-338, any five electors qualified under the provisions of 20-20-301
18 of any district, except a first-class elementary district, may nominate as many trustee candidates as there
19 are trustee positions subject to election at the ensuing election. The name of each person nominated for
20 candidacy must be submitted to the clerk of the district not less than ~~40~~ 75 days before the regular school
21 election day at which the person is to be a candidate. If there are different terms to be filled, the term for
22 which each candidate is nominated must also be indicated."

23

24 **Section 13.** Section 20-3-306, MCA, is amended to read:

25 **"20-3-306. ~~Conduct of Trustee election -- ballot.~~** (1) The trustees of each district ~~shall call a~~
26 ~~trustee election~~ must be elected on the regular school election day of each school fiscal year under the
27 provisions of ~~20-20-204~~ Title 13, except as provided in 20-3-313 and 20-3-344. ~~The trustees shall call~~
28 ~~and conduct the trustee election in the manner prescribed in this title for school elections and Title 13.~~ Any
29 elector qualified to vote under the provisions of 20-20-301 may vote at a trustee election.

30 (2) The trustee election ballots must comply with the provisions of 13-12-205, be identified by

1 the individual district number, and be substantially in the following form:

2 OFFICIAL BALLOT

3 SCHOOL TRUSTEE ELECTION

4 INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the name of
5 the candidate for whom you wish to vote.

6 Vote for (indicate number to be elected) for a 3-year term:

7 (List the names of the candidates for a 3-year term with a vacant square in front of each
8 name.)

9 Vote for (indicate number to be elected) for a 2-year term:

10 (List the names of the candidates for a 2-year term with a vacant square in front of each
11 name.)

12 Vote for (indicate number to be elected) for a 1-year term:

13 (List the names of the candidates for a 1-year term with a vacant square in front of each
14 name.)"

15

16 **Section 14.** Section 20-3-307, MCA, is amended to read:

17 **"20-3-307. Qualification and oath.** (1) A person who receives a certificate of election as a trustee
18 under the provisions of Title 13 or 20-3-313 ~~or 20-20-416~~ may not assume the trustee position until the
19 person has qualified. The person shall qualify by completing and filing an oath of office with the county
20 superintendent not more than 15 days after the receipt of the certificate of election. After a person has
21 qualified for a trustee position, the person holds the position until a successor has been elected or
22 appointed and has been qualified.

23 (2) If the elected person does not qualify in accordance with this requirement, a person must be
24 appointed in the manner provided by 20-3-309 and shall serve until the next regular election."

25

26 **Section 15.** Section 20-3-313, MCA, is amended to read:

27 **"20-3-313. Election by acclamation -- notice.** (1) If the number of candidates filing for a position
28 or filing a declaration of intent to be a write-in candidate under 13-10-211 is equal to the number of
29 positions to be elected and there is no other reason for the election, the ~~trustees may give notice that an~~
30 ~~election will not be held. Notice must be given~~ county election administrator may cancel the election in

1 accordance with 13-1-304 and shall give notice of the cancellation no later than ~~44~~ 75 days before the
2 election.

3 (2) If an election is not held, the trustees shall declare elected by acclamation the candidate who
4 filed for the position or who filed a declaration of intent to be a write-in candidate and issue a certificate
5 of election to the candidate."

6
7 **Section 16.** Section 20-3-321, MCA, is amended to read:

8 **"20-3-321. Organization and officers.** (1) The trustees of each district shall annually organize as
9 a governing board of the district after the regular election day and after the issuance of the election
10 certificates to the newly elected trustees, but not later than the ~~third~~ first Saturday of ~~May~~ June. In order
11 to organize, the trustees of the district must be given notice of the time and place where the organization
12 meeting will be held, and at the meeting, they shall choose one of their number as the presiding officer.
13 In addition, except for the trustees of a high school district operating a county high school, the trustees
14 shall employ and appoint a competent person, who is not a member of the trustees, as the clerk of the
15 district. The trustees of a high school district operating a county high school shall appoint a secretary, who
16 must be a member of the board.

17 (2) The presiding officer of the trustees of any district shall serve until the next organization
18 meeting and shall preside at all the meetings of the trustees in accordance with the customary rules of
19 order. The presiding officer shall perform the duties prescribed by this title and any other duties that
20 normally pertain to a presiding officer."

21

22 **Section 17.** Section 20-3-324, MCA, is amended to read:

23 **"20-3-324. Powers and duties.** As prescribed elsewhere in this title, the trustees of each district
24 shall:

25 (1) employ or dismiss a teacher, principal, or other assistant upon the recommendation of the
26 district superintendent, the county high school principal, or other principal, as the board considers
27 necessary, accepting or rejecting any recommendation as the trustees in their sole discretion determine,
28 in accordance with the provisions of Title 20, chapter 4;

29 (2) employ and dismiss administrative personnel, clerks, secretaries, teacher aides, custodians,
30 maintenance personnel, school bus drivers, food service personnel, nurses, and any other personnel

- 1 considered necessary to carry out the various services of the district;
- 2 (3) administer the attendance and tuition provisions and govern the pupils of the district in
3 accordance with the provisions of the pupils chapter of this title;
- 4 (4) ~~call, conduct, and certify~~ notify the county election administrator regarding the elections of
5 the district in accordance with the provisions of ~~the school elections chapter of~~ Title 13 and this title;
- 6 (5) participate in the teachers' retirement system of the state of Montana in accordance with the
7 provisions of the teachers' retirement system chapter of Title 19;
- 8 (6) participate in district boundary change actions in accordance with the provisions of the districts
9 chapter of this title;
- 10 (7) organize, open, close, or acquire isolation status for the schools of the district in accordance
11 with the provisions of the school organization part of this title;
- 12 (8) adopt and administer the annual budget or a budget amendment of the district in accordance
13 with the provisions of the school budget system part of this title;
- 14 (9) conduct the fiscal business of the district in accordance with the provisions of the school
15 financial administration part of this title;
- 16 (10) subject to 15-10-420, establish the ANB, BASE budget levy, over-BASE budget levy,
17 additional levy, operating reserve, and state impact aid amounts for the general fund of the district in
18 accordance with the provisions of the general fund part of this title;
- 19 (11) establish, maintain, budget, and finance the transportation program of the district in
20 accordance with the provisions of the transportation parts of this title;
- 21 (12) issue, refund, sell, budget, and redeem the bonds of the district in accordance with the
22 provisions of the bonds parts of this title;
- 23 (13) when applicable, establish, financially administer, and budget for the tuition fund, retirement
24 fund, building reserve fund, adult education fund, nonoperating fund, school food services fund,
25 miscellaneous programs fund, building fund, lease or rental agreement fund, traffic education fund, impact
26 aid fund, interlocal cooperative agreement fund, and other funds as authorized by the state superintendent
27 of public instruction in accordance with the provisions of the other school funds parts of this title;
- 28 (14) when applicable, administer any interlocal cooperative agreement, gifts, legacies, or devises
29 in accordance with the provisions of the miscellaneous financial parts of this title;
- 30 (15) hold in trust, acquire, and dispose of the real and personal property of the district in

- 1 accordance with the provisions of the school sites and facilities part of this title;
- 2 (16) operate the schools of the district in accordance with the provisions of the school calendar
3 part of this title;
- 4 (17) establish and maintain the instructional services of the schools of the district in accordance
5 with the provisions of the instructional services, textbooks, vocational education, and special education
6 parts of this title;
- 7 (18) establish and maintain the school food services of the district in accordance with the
8 provisions of the school food services parts of this title;
- 9 (19) make reports from time to time as the county superintendent, superintendent of public
10 instruction, and board of public education may require;
- 11 (20) retain, when considered advisable, a physician or registered nurse to inspect the sanitary
12 conditions of the school or the general health conditions of each pupil and, upon request, make available
13 to any parent or guardian any medical reports or health records maintained by the district pertaining to the
14 child;
- 15 (21) for each member of the trustees, visit each school of the district not less than once each
16 school fiscal year to examine its management, conditions, and needs, except trustees from a first-class
17 school district may share the responsibility for visiting each school in the district;
- 18 (22) procure and display outside daily in suitable weather on school days at each school of the
19 district an American flag that measures not less than 4 feet by 6 feet;
- 20 (23) provide that an American flag that measures approximately 12 inches by 18 inches be
21 prominently displayed in each classroom in each school of the district, except in a classroom in which the
22 flag may get soiled. This requirement is waived if the flags are not provided by a local civic group.
- 23 (24) adopt and administer a district policy on assessment for placement of any child who enrolls
24 in a school of the district from a nonpublic school that is not accredited, as required in 20-5-110;
- 25 (25) upon request and in compliance with confidentiality requirements of state and federal law,
26 disclose to interested parties school district student assessment data for any test required by the board
27 of public education; and
- 28 (26) perform any other duty and enforce any other requirements for the government of the schools
29 prescribed by this title, the policies of the board of public education, or the rules of the superintendent of
30 public instruction."

1

2 **Section 18.** Section 20-6-203, MCA, is amended to read:

3 **"20-6-203. District consolidation.** Any two or more elementary districts in one county may
4 consolidate to organize an elementary district. The consolidation ~~shall~~ must be conducted under the
5 following procedure:

6 (1) At the time the consolidation proposition is first considered, the districts involved shall jointly
7 determine whether the consolidation ~~shall~~ is to be made with or without the mutual assumption of the
8 bonded indebtedness of each district by all districts included in the consolidation proposition.

9 (2) A consolidation proposition may be introduced, individually, in each of the districts by either
10 of the two following methods:

11 (a) the trustees may pass a resolution requesting the county superintendent to ~~order~~ notify the
12 county election administrator of an election to consider a consolidation proposition involving their district;
13 or

14 (b) not less than 20% of the electors of an elementary district who are qualified to vote under the
15 provisions of 20-20-301 may petition the county superintendent ~~requesting to notify the county election~~
16 administrator of the need to call an election to consider a consolidation proposition involving their resident
17 district.

18 (3) When the county superintendent has received a resolution or a valid petition from each of the
19 districts included in the consolidation proposition, ~~he~~ the county superintendent shall, within 10 days after
20 the receipt of the last resolution or petition and as provided by 20-20-201, ~~order~~ notify the trustees of
21 county commissioners representing each elementary district included in the consolidation proposition ~~to~~
22 of the need to call a consolidation election.

23 (4) ~~Each district, individually,~~ The county commissioners shall call and conduct an election in the
24 manner prescribed in ~~this title~~ Title 13 for ~~school~~ elections. In addition:

25 (a) if the districts to be consolidated are to mutually assume the bonded indebtedness of each
26 district involved in the consolidation, the consolidation election also ~~shall~~ must follow the procedures
27 prescribed in 20-6-206; or

28 (b) if the districts to be consolidated are not to mutually assume the bonded indebtedness of each
29 district involved in the consolidation, the consolidation election also ~~shall~~ must follow the procedures
30 prescribed in 20-6-207.

1 (5) After the county ~~superintendent~~ election administrator has received the election certification
 2 under the provisions of ~~20-20-416 from the trustees of each district included in a consolidation proposition~~
 3 Title 13, he the election administrator shall determine if the consolidation proposition has been approved
 4 in each district. If each district has approved the consolidation proposition, ~~he the county election~~
 5 administrator shall, within 10 days after the receipt of the last election certificate, order the consolidation
 6 of ~~such the~~ districts. If ~~it be for the~~ consolidation is with the mutual assumption of bonded indebtedness
 7 of each elementary district by all districts included in the consolidation order, ~~such the order shall must~~
 8 specify that all the taxable real and personal property of the consolidated district ~~shall must~~
 9 bonded indebtedness of each district. In addition, ~~such the order shall must~~ specify the number of the
 10 consolidated elementary district and ~~shall must~~ contain the county superintendent's appointment of the
 11 trustees for the consolidated district, who shall serve until a successor is elected at the next succeeding
 12 regular school election and is qualified. The ~~superintendent~~ county election administrator shall send a copy
 13 of ~~such the~~ order to ~~the board of county commissioners and to the trustees of each district incorporated~~
 14 in the consolidation order.

15 (6) If any district included in the consolidation proposition disapproves the consolidation
 16 proposition, the consolidation of all districts ~~shall fail~~ fails, and the county ~~superintendent~~ election
 17 administrator shall notify each district of the disapproval of the consolidation proposition."
 18

19 **Section 19.** Section 20-6-205, MCA, is amended to read:

20 **"20-6-205. Elementary district annexation.** An elementary district may be annexed to another
 21 elementary district located in the same county when one of the conditions of 20-6-204 is met in
 22 accordance with the following procedure:

23 (1) At the time the annexation proposition is first considered, the districts involved shall jointly
 24 determine whether the annexation ~~shall is to~~ be made with or without the joint assumption of the bonded
 25 indebtedness of the annexing district by the district to be annexed and the annexing district.

26 (2) An annexation proposition may be introduced in the district to be annexed by either of the two
 27 following methods:

28 (a) the trustees may pass a resolution requesting the county superintendent to ~~order~~ notify the
 29 county election administrator of the need to call an election to consider an annexation proposition for their
 30 district; or

1 (b) not less than 20% of the electors of the district who are qualified to vote under the provisions
 2 of 20-20-301 may petition the county superintendent to notify the county election administrator requesting
 3 of the need to call an election to consider an annexation proposition for their district.

4 (3) Before ordering an election on the proposition, the county ~~superintendent~~ commissioners shall
 5 first receive from the trustees of the annexing district a resolution giving ~~him~~ the commissioners the
 6 authority to annex ~~such~~ the district.

7 (4) When the county ~~superintendent has received~~ commissioners receive authorization from the
 8 annexing district, ~~he~~ they shall, within 10 days after the receipt of the resolution or a valid petition from
 9 the district to be annexed and as provided by 20-20-201, ~~order the trustees of the district to be annexed~~
 10 ~~to~~ call an annexation election.

11 (5) The ~~district shall call and~~ county shall conduct an election in the manner prescribed in ~~this title~~
 12 ~~for school elections~~ Title 13. In addition:

13 (a) if the district to be annexed is to jointly assume with the annexing district the bonded
 14 indebtedness of the annexing district, the annexation election ~~shall~~ must also follow the procedures
 15 prescribed in 20-6-206; or

16 (b) if the district to be annexed is not to jointly assume with the annexing district the bonded
 17 indebtedness of the annexing district, the annexation election ~~shall~~ must also follow the procedures
 18 prescribed in 20-6-207.

19 (6) After the county superintendent has received the election certificate from the ~~trustees of the~~
 20 ~~district~~ county conducting the annexation election under the provisions of ~~20-20-416~~ Title 13 and this title
 21 and if the annexation proposition has been approved by ~~such~~ the election, ~~he~~ the county superintendent
 22 shall order the annexation of the territory of the elementary district voting on ~~such~~ the proposition to the
 23 elementary district that has authorized the annexation to its territory. ~~Such~~ The order ~~shall~~ must be issued
 24 within 10 days after the receipt of the election certificate and, if it be for annexation with the assumption
 25 of bonded indebtedness, ~~shall~~ must specify that all the taxable real and personal property of the annexed
 26 territory ~~shall~~ must jointly assume with the annexing district the existing bonded indebtedness of the
 27 annexing district. The county ~~superintendent~~ election administrator shall send a copy of the order to ~~the~~
 28 ~~board of county commissioners and to~~ the trustees of the districts involved in the annexation order.

29 (7) If the annexation proposition is disapproved in the district to be annexed, it ~~shall fail~~ fails and
 30 the county ~~superintendent~~ election administrator shall notify each district of the disapproval of the

1 annexation proposition."

2

3 **Section 20.** Section 20-6-206, MCA, is amended to read:

4 **"20-6-206. Consolidation or annexation election with assumption of bonded indebtedness.** A
5 consolidation election involving the mutual assumption of bonded indebtedness by the elementary districts
6 to be consolidated, as prescribed in 20-6-203, or an annexation election involving the joint assumption of
7 bonded indebtedness by the elementary district to be annexed, as prescribed in 20-6-205, ~~shall~~ must
8 comply with the following procedures in addition to those prescribed by this title for other school elections:

9 (1) In a consolidation election, the ballots ~~shall~~ must read, after stating the consolidation
10 proposition, "FOR consolidation with assumption of bonded indebtedness" and "AGAINST consolidation
11 with assumption of bonded indebtedness".

12 (2) In an annexation election, the ballots ~~shall~~ must read, after stating the annexation proposition,
13 "FOR annexation with assumption of bonded indebtedness" and "AGAINST annexation with assumption
14 of bonded indebtedness".

15 (3) Any elector qualified to vote under the provisions of 20-20-301 may vote.

16 (4) When the ~~trustees~~ county commissioners in the county representing each elementary district
17 conducting an election canvass the vote under the provisions of ~~20-20-415~~ Title 13, they shall decide,
18 according to the following procedure, if the proposition has been approved:

19 (a) determine if a sufficient number of the qualified electors of the district have voted to validate
20 the election and have voted to approve the election proposition in the same manner required for bond
21 elections by 20-9-428; and

22 (b) when the proposition is approved under subsection (4)(a), determine the number of votes
23 "FOR" and "AGAINST" the proposition.

24 (5) The proposition ~~shall~~ must be approved in the district if a majority of those voting approve the
25 proposition. If the proposition is disapproved under either the provisions of subsection (4)(a) or (4)(b), the
26 proposition ~~shall~~ must be disapproved in the district."

27

28 **Section 21.** Section 20-6-315, MCA, is amended to read:

29 **"20-6-315. District consolidation.** Any two or more high school districts in one county may
30 consolidate to organize a high school district. The consolidation must be conducted under the following

1 procedure:

2 (1) At the time the consolidation proposition is first considered, the districts involved shall jointly
3 determine whether the consolidation is to be made with or without the mutual assumption of the bonded
4 indebtedness of each district by all districts included in the consolidation proposition.

5 (2) A consolidation proposition may be introduced, individually, in each of the districts by either
6 of the following methods:

7 (a) the trustees may pass a resolution ~~requesting~~ notifying the county ~~superintendent~~
8 commissioners of the need to order an election to consider a consolidation proposition involving their
9 district; or

10 (b) not less than 20% of the electors of a high school district who are qualified to vote under the
11 provisions of 20-20-301 may petition the county ~~superintendent~~ commissioners requesting an election to
12 consider a consolidation proposition involving their district.

13 (3) When the county ~~superintendent receives~~ commissioners receive a resolution or a valid petition
14 from each of the districts included in the consolidation proposition, ~~he~~ they shall, within 10 days after the
15 receipt of the last resolution or petition and as provided by 20-20-201, ~~order the trustees of each high~~
16 ~~school district included in the consolidation proposition to~~ call a consolidation election.

17 (4) ~~(a) Each district, individually,~~ The county commissioners shall call and conduct an election in
18 the manner prescribed in Title 13 and this title for school elections.

19 (b) In addition:

20 (i) if the districts to be consolidated are to mutually assume the bonded indebtedness of each
21 district involved in the consolidation, the consolidation election must also follow the procedures prescribed
22 in 20-6-318; or

23 (ii) if the districts to be consolidated are not to mutually assume the bonded indebtedness of each
24 district involved in the consolidation, the consolidation election must also follow the procedures prescribed
25 in 20-6-207.

26 (5) After the county ~~superintendent receives~~ commissioners receive the election certificate
27 provided for in ~~20-20-416 from the trustees of each district included in a consolidation proposition~~ Title
28 13, ~~he~~ they shall determine if the consolidation proposition has been approved in each district. If each
29 district has approved the consolidation proposition, ~~he~~ the county commissioners shall, within 10 days
30 after the receipt of the election certificate, order the consolidation of ~~such~~ the districts. If the order is for

1 consolidation with the mutual assumption of bonded indebtedness of each high school district by all
 2 districts included in the consolidation order, the order ~~shall~~ must specify that all taxable real and personal
 3 property of the consolidated district ~~shall~~ must assume the bonded indebtedness of each district. In
 4 addition, the order ~~shall~~ must specify the number of the consolidated high school district. The
 5 ~~superintendent~~ county election administrator shall send a copy of the order to ~~the board of county~~
 6 ~~commissioners~~ and to the trustees of each district incorporated in the consolidation order.

7 (6) If any district included in the consolidation proposition disapproves the consolidation
 8 proposition, the consolidation of all districts fails and the county ~~superintendent~~ commissioners shall notify
 9 each district of the disapproval of the consolidation proposition."

10

11 **Section 22.** Section 20-6-317, MCA, is amended to read:

12 **"20-6-317. High school district annexation procedure.** A high school district may be annexed to
 13 another high school district located in the same county when one of the conditions of 20-6-316 is met in
 14 accordance with the following procedure:

15 (1) At the time the annexation proposition is first considered, the districts involved shall jointly
 16 determine whether the annexation is to be made with or without the joint assumption of the bonded
 17 indebtedness of the annexing district by the district to be annexed and the annexing district.

18 (2) An annexation proposition may be introduced in the district to be annexed by either of the
 19 following methods:

20 (a) the trustees may pass a resolution ~~requesting~~ notifying the county ~~superintendent~~
 21 commissioners of the need to order an election to consider an annexation proposition for their district; or

22 (b) not less than 20% of the electors of the district who are qualified to vote under the provisions
 23 of 20-20-301 may petition the county ~~superintendent~~ commissioners requesting an election to consider
 24 an annexation proposition for their district.

25 (3) Before ordering an election on the proposition, the county ~~superintendent~~ commissioners must
 26 receive from the trustees of the annexing district a resolution giving ~~him~~ them the authority to annex ~~such~~
 27 the district.

28 (4) When the county ~~superintendent~~ receives commissioners receive authorization from the
 29 annexing district, ~~he~~ they shall, within 10 days after the receipt of the resolution or a valid petition from
 30 the district to be annexed and as provided by 20-20-201, ~~order the trustees of the district to be annexed~~

1 to call an annexation election.

2 (5) (a) The ~~district shall call and~~ county commissioners shall conduct an election in the manner
3 prescribed in ~~this title for school elections~~ Title 13.

4 (b) In addition:

5 (i) if the district to be annexed is to jointly assume with the annexing district the bonded
6 indebtedness of the annexing district, the annexation election must also follow the procedures prescribed
7 in 20-6-318; or

8 (ii) if the district to be annexed is not to jointly assume with the annexing district the bonded
9 indebtedness of the annexing district, the annexation election must also follow the procedures prescribed
10 in 20-6-319.

11 (6) After the county ~~superintendent receives~~ commissioners receive the election certificate
12 provided for in ~~20-20-416~~ Title 13 from the ~~trustees~~ county election administrator of the district
13 conducting the annexation election and if the annexation proposition has been approved by ~~such the~~
14 election, ~~he~~ the county commissioners shall order the annexation of the territory of the high school district
15 voting on ~~such the~~ proposition to the high school district that has authorized the annexation to its territory.
16 The order must be issued within 10 days after the receipt of the election certificate and, if it is for
17 annexation with the assumption of bonded indebtedness, must specify that all the taxable real and
18 personal property of the annexed territory ~~shall~~ must jointly assume with the annexing district the existing
19 bonded indebtedness of the annexing district. ~~The county superintendent shall send a copy of the order~~
20 ~~to the board of county commissioners and to the trustees of the districts involved in the annexation order.~~

21 (7) If the annexation proposition is disapproved in the district to be annexed, it fails and the county
22 ~~superintendent~~ commissioners shall notify each district of the disapproval of the annexation proposition."
23

24 **Section 23.** Section 20-6-704, MCA, is amended to read:

25 **"20-6-704. Dissolution of K-12 school district.** (1) Except as provided in subsection (2), in order
26 to dissolve a K-12 district under the provisions of this section, the trustees of a district shall notify the
27 county election administrator to request that the county commissioners submit for approval to the electors
28 of the K-12 district a proposition dissolving the K-12 district for the purpose of annexing or consolidating
29 the K-12 district's elementary or high school program with an adjacent school district or districts in an
30 ensuing school fiscal year under the provisions of 20-6-203 through 20-6-208 or 20-6-315 through

1 20-6-319.

2 (2) If the trustees of the school district determine that the creation or continuation of the K-12
3 district has resulted in or will result in the loss of federal funding for the elementary or high school
4 programs and that it is in the best interest of the district to dissolve into the original elementary district
5 and high school district that existed prior to the formation of the K-12 district, the trustees may dissolve
6 the district under the following procedure:

7 (a) The trustees of the district shall pass a resolution requesting the county superintendent to
8 order a dissolution of the district.

9 (b) When the county superintendent receives the resolution from the district, the county
10 superintendent shall, within 10 days, order the dissolution of the K-12 district into the original elementary
11 district and high school district, to take effect on July 1 of the ensuing school fiscal year. Within 30 days
12 of the order, the county superintendent shall send a copy of the order to the board of county
13 commissioners, the trustees of the district, and the superintendent of public instruction.

14 (3) If the entire territory of the dissolving K-12 district will be annexed or consolidated with an
15 adjacent district or districts, the resolution or petition required in subsection (1) or (2) must contain a
16 description of the manner in which the real and personal property and funds of the district are to be
17 apportioned in the dissolution of the district and the subsequent annexation or consolidation with one or
18 more other districts. If a portion of the dissolving K-12 district will not be annexed or consolidated with
19 another district or districts, the resolution or petition must contain a description of the manner in which
20 the property, funds, and financial obligations, including bonded indebtedness, of the K-12 district are to
21 be apportioned to the district or districts whose territory is not consolidated or annexed to another district.

22 (4) After the county superintendent receives the certificate of election provided for in ~~20-20-416~~
23 Title 13 from the ~~trustees~~ county commissioners of the K-12 district and from the county commissioners
24 of each district included in a consolidation proposition, the county superintendent shall determine whether
25 the dissolution and annexation or consolidation proposition or propositions have been approved. If the K-12
26 district has approved the dissolution proposition and each district involved in a consolidation has approved
27 the consolidation proposition, the county superintendent shall, within 10 days after the receipt of the
28 election certificate, order the dissolution of the K-12 district into the original elementary district and high
29 school district, to take effect on July 1 of the ensuing school fiscal year. Within 30 days of the order, the
30 county superintendent shall send a copy of the dissolution order to the board of county commissioners,

1 the trustees of the district included in the dissolution order, and the superintendent of public instruction.

2 (5) Whenever a K-12 district is dissolved, the following provisions apply:

3 (a) The trustees of the elementary district whose territory is not annexed or consolidated upon
4 dissolution of the K-12 district are responsible for the execution of remaining financial obligations of the
5 K-12 district and for the apportionment between the elementary and high school programs of any
6 obligations not identified in the resolution required under subsection (3).

7 (b) The provisions of 20-6-410 apply for tenure teachers in the dissolution of a K-12 district.

8 (c) For purposes of applying the budget limitation provisions of 20-9-308, the budget of a K-12
9 district during its last year of operations as a K-12 district ~~will~~ must be prorated based on rules
10 promulgated by the superintendent of public instruction."

11

12 **Section 24.** Section 20-9-422, MCA, is amended to read:

13 **"20-9-422. Additional requirements for trustees' resolution ~~calling~~ requesting bond election.** (1)

14 In addition to the requirements for calling an election that are prescribed in 20-20-201 and 20-20-203,
15 the trustees' resolution ~~calling~~ notifying the county commissioners to call a school district bond election
16 must:

17 (a) fix the exact amount of the bonds proposed to be issued, which may be more or less than the
18 amounts estimated in a petition;

19 (b) fix the maximum number of years in which the proposed bonds would be paid;

20 (c) in the case of initiation by a petition, state the essential facts about the petition and its
21 presentation; and

22 (d) state the amount of the state advance for school facilities estimated, pursuant to subsection
23 (2), to be received by the district in the first school fiscal year in which a debt service payment would be
24 due on the proposed bonds.

25 (2) Prior to the adoption of the resolution ~~calling for~~ requesting a school bond election, the trustees
26 of a district may request from the superintendent of public instruction a statement of the estimated amount
27 of state advance for school facilities that the district will receive for debt service payments on the
28 proposed bonds in the first school fiscal year in which a debt service payment is due. The district shall
29 provide the superintendent with an estimate of the debt service payment due in the first school fiscal year.
30 The superintendent shall estimate the state advance for the bond issue pursuant to 20-9-371(2)."

1

2 **Section 25.** Section 20-15-203, MCA, is amended to read:

3 **"20-15-203. Call of community college district organization election -- proposition statement.** (1)

4 A petition for the organization of a community college district must be presented to the regents. The
5 regents shall examine the petition to determine if the petition satisfies the petitioning and community
6 college district organizational requirements.

7 (2) If the regents determine that the petition satisfies the requirements, the regents shall ~~order~~
8 notify the elementary districts encompassed by county commissioners in which the proposed community
9 college district is located of the need to conduct an election on the community college district organization
10 proposition. The election must be held on the next regular school election day, except that an election
11 required by a petition received by the regents less than 60 days before the regular school election day
12 must be held at the regular school election in the following school fiscal year.

13 (3) At the election, the proposition must be in substantially the following form:

14

PROPOSITION

15 Shall there be organized within the area comprising the School Districts of (elementary districts
16 must be listed by county), State of Montana, a community college district for the offering of 13th- and
17 14th-year courses, to be known as the Community College District of, Montana, under the provisions
18 of the laws authorizing community college districts in Montana, as requested in the petition filed with the
19 Board of Regents at Helena, Montana, on the day of, 20...?

20 FOR organization.

21 AGAINST organization."

22

23 **Section 26.** Section 20-15-206, MCA, is amended to read:

24 **"20-15-206. Nomination of candidates and provision of sample ballot.** (1) Nominations of
25 candidates for the trustee positions must be filed with the regents at least 30 days prior to the date of the
26 election. Any five qualified electors may file nominations of as many persons as are to be elected to the
27 board of trustees of the proposed community college district from their respective community college
28 trustee election areas.

29 (2) The regents shall provide the ~~trustees of each district ordered~~ county commissioners who are
30 notified to conduct the community college district organization election with a sample of the ballot for the

1 election of the board of trustees. ~~Such~~ The sample ballot shall must be reproduced by the trustees in a
 2 sufficient number to be used as the trustee election ballot."

3

4 **Section 27.** Section 20-15-208, MCA, is amended to read:

5 **"20-15-208. Conduct of election.** The election for the organization of the community college
 6 district and the election of trustees for ~~such a~~ community college district ~~shall must~~ be conducted, in
 7 accordance with the ~~school election laws, by the trustees of the elementary districts ordered to call such~~
 8 election provisions of Title 13. The ~~cost of conducting such election shall be borne by the districts shall~~
 9 reimburse the county for all costs related to an election."

10

11 **Section 28.** Section 20-15-221, MCA, is amended to read:

12 **"20-15-221. Election of trustees after organization of community college district.** (1) After
 13 organization, the registered electors of the community college district qualified to vote under the provisions
 14 of 20-20-301 shall annually vote for trustees on the regular school election day provided for in 20-3-304.
 15 The election ~~shall must~~ be conducted in accordance with the election provisions of ~~this title whenever such~~
 16 ~~provisions are made applicable to community college districts~~ Title 13. ~~Such~~ The elections shall must be
 17 conducted by the ~~component elementary school districts within such~~ county commissioners of the county
 18 in which the community college district is located upon the ~~order of~~ notification by the board of trustees
 19 of the community college district. The ~~order shall~~ notification must be transmitted to the appropriate
 20 trustees not less than 40 days prior to the regular school election day.

21 (2) Notice of the community college district trustee election ~~shall must~~ be given by the board of
 22 trustees of the community college district by publication in one or more newspapers of general circulation
 23 within each county, not less than once a week for 2 consecutive weeks, the last insertion to be no more
 24 than 1 week prior to the date of the election. ~~This notice shall be in addition to the election notice to be~~
 25 ~~given by the trustees of the component elementary districts under the school election laws.~~

26 (3) ~~Should~~ If the trustees ~~be are~~ elected other than at large throughout the entire district, then only
 27 those qualified voters within the area from which the trustee or trustees are to be elected ~~shall may~~ cast
 28 their ballots for the trustee or trustees from that area. In addition to the nominating petition required by
 29 20-15-219(2), all candidates for the office of trustee shall file their declarations of candidacy with the
 30 secretary of the board of trustees of the community college district not less than 30 days prior to the date

1 of election. If an electronic voting system or voting machines are not used in the ~~component elementary~~
 2 ~~school district or districts which conduct~~ county that conducts the election, the board of trustees of the
 3 community college district shall ~~cause~~ have ballots ~~to be~~ printed and distributed for the polling places in
 4 ~~such the~~ component districts at the expense of the community college district, but in all other respects
 5 ~~said, the~~ elections shall must be conducted in accordance with the ~~school~~ election laws in Title 13. All
 6 costs incident to election of the community college trustees shall must be borne by the community college
 7 district, including one-half of the compensation of the judges for the ~~school~~ elections; ~~provided that~~
 8 However, if the election of the community college district trustees is the only election conducted, the
 9 community college district shall compensate the ~~district~~ county for the total cost of the election."

10

11 **Section 29.** Section 20-15-222, MCA, is amended to read:

12 **"20-15-222. Results of election -- qualifying oath -- term of office.** (1) When the board of trustees
 13 of the community college district has received all the certified results of the election from the ~~component~~
 14 ~~elementary districts~~ county commissioners, the then-qualified members of the board of trustees of ~~such~~
 15 the community college district shall tabulate the results ~~so~~ received, shall declare and certify the candidate
 16 or candidates receiving the greatest number of votes to be elected to the position or positions to be filled,
 17 and shall declare and certify the results of the votes cast on any proposition presented at ~~such the~~
 18 election.

19 (2) (a) ~~No~~ A person who receives a certificate of election as a community college trustee may not
 20 assume the trustee position until ~~he~~ the person has qualified by taking an oath of office prescribed by the
 21 constitution of Montana at the next regularly scheduled meeting of the board of trustees after receipt of
 22 the certificate of election.

23 (b) If the elected person does not qualify in accordance with this requirement, another person must
 24 be appointed in a manner provided by 20-15-223 and shall serve until the next regular election.

25 (3) After a person has qualified for a trustee position, ~~he~~ the person shall hold ~~such the~~ position
 26 for the term of the position and until ~~his~~ a successor has been elected or appointed and has been
 27 qualified."

28

29 **Section 30.** Section 20-15-225, MCA, is amended to read:

30 **"20-15-225. Powers and duties of trustees.** (1) The trustees of a community college district shall,

- 1 subject to supervision by the board of regents:
- 2 (a) have general control and supervision of the community college;
- 3 (b) adopt rules, not inconsistent with the constitution and the laws of the state, for the
4 government and administration of the community college;
- 5 (c) grant certificates and degrees to the graduates of the community college;
- 6 (d) keep a record of their proceedings;
- 7 (e) when not otherwise provided by law, have control of all books, records, buildings, grounds,
8 and other property of the community college;
- 9 (f) receive from the state board of land commissioners; other boards, agencies, or persons; or the
10 government of the United States all funds, income, and other property the community college may be
11 entitled to receive or accept and use and appropriate the property for the specific purpose of the
12 entitlement, grant, or donation;
- 13 (g) have general control of all receipts and disbursements of the community college;
- 14 (h) appoint and dismiss a president and faculty for the community college; appoint and dismiss
15 any other necessary officers, agents, and employees; fix their compensation; and set the terms and
16 conditions of their employment;
- 17 (i) administer the tuition provision and otherwise govern the students of the community college
18 district in accordance with the provisions of this chapter;
- 19 (j) call ~~and conduct~~ the elections of the district in accordance with the ~~school election chapter of~~
20 ~~this title~~ laws in Title 13;
- 21 (k) participate in the teachers' retirement system of the state of Montana in accordance with the
22 provisions of the teachers' retirement system chapter of this title;
- 23 (l) establish employee benefits, other than retirement benefits, and fix their limits in accordance
24 with 2-18-701 through 2-18-704; and
- 25 (m) participate in district boundary change actions in accordance with the provisions of the district
26 organization chapter of this title.
- 27 (2) The trustees of a community college district shall hold in trust all real and personal property
28 of the district for the benefit of the college and students.
- 29 (3) The trustees of a community college district may enter into agreements with the western
30 interstate commission for higher education, or similar intrastate, interstate, or international agreements,

1 for the benefit of the district and students."

2

3 **Section 31.** Section 20-20-101, MCA, is amended to read:

4 **"20-20-101. Definition.** As used in this title, unless the context clearly indicates otherwise,
5 "school election" means any election conducted by a ~~district or community college district~~ county for the
6 purpose of electing trustees, for authorizing taxation, for authorizing the issuance of bonds by an
7 elementary district or a high school district, or for accepting or rejecting any proposition that may be
8 presented to the electorate for decision in accordance with the provisions of this title."

9

10 **Section 32.** Section 20-20-105, MCA, is amended to read:

11 **"20-20-105. Regular school election day and special school elections -- limitation -- exception. (1)**
12 ~~The first Tuesday after the first Monday of~~ before Memorial Day in May of each year is the regular school
13 election day. Except as provided in subsection (3), a proposition requesting additional funding under
14 20-9-353 may be submitted to the electors only once each calendar year on the regular school election
15 day.

16 (2) Subject to the provisions of subsection (1), special school elections may be conducted at times
17 determined by the trustees.

18 (3) In the event of an unforeseen emergency occurring on the date scheduled for the funding
19 election pursuant to subsection (1), the district ~~will be~~ is allowed to reschedule the election for a different
20 day of the calendar year. As used in this section, "unforeseen emergency" has the meaning provided in
21 20-3-322(5)."

22

23 **Section 33.** Section 20-20-201, MCA, is amended to read:

24 **"20-20-201. Calling of school election. (1)** At least ~~40~~ 75 days before any school election, the
25 trustees of any district shall call ~~such~~ the school election by resolution, stating the date and purpose of
26 ~~such~~ the election, ~~and shall conduct it in accordance with the procedures required by law,~~ when:

27 (a) an election must be held on the regular school election day;

28 (b) in their discretion, the trustees order an election for a purpose authorized by law;

29 (c) the county superintendent orders an election in accordance with the law authorizing ~~such~~ an

30 order;

1 (d) the board of public education orders an election in accordance with the law authorizing ~~such~~
2 an order;

3 (e) the county commissioners order an election in accordance with the law authorizing ~~such~~ an
4 order;

5 (f) the board of trustees of a community college district orders an election in accordance with the
6 law authorizing ~~such~~ an order (in which case the community college district shall bear its share of the cost
7 of ~~such~~ the election); or

8 (g) a school election is required by law under any other circumstances.

9 (2) The resolution calling any school election ~~shall~~ must be transmitted to the county election
10 administrator no later than ~~35~~ 67 days before the election in order to enable ~~him~~ the election administrator
11 to close the registration and prepare the lists of registered electors as required by ~~school~~ election laws."

12

13 **Section 34.** Section 20-20-401, MCA, is amended to read:

14 **"20-20-401. Trustees' election duties -- ballot certification.** ~~(1) The trustees are the general~~
15 ~~supervisors of school elections unless the trustees request and the county election administrator agrees~~
16 ~~to conduct a school election under 20-20-417.~~

17 ~~(2)~~(1) Not less than 25 days before an election, the clerk of the district shall prepare a certified
18 list of the names of all candidates entitled to be on the ballot and the official wording for each ballot issue.
19 The clerk shall arrange for printing the ballots by the school district or submit the list to the county election
20 administrator for printing by the county. Ballots for absentee voting must be printed and available at least
21 20 days before the election, except as provided in 20-9-426(2) for a bond election not held in conjunction
22 with a school election. ~~Names~~ The listing of names of candidates on school election ballots ~~need not be~~
23 ~~retated~~ must conform with the provisions of 13-12-205.

24 ~~(3)~~(2) Before the opening of the polls, if ballots are printed by the school district, the trustees shall
25 ~~cause~~ ensure that each polling place ~~to be~~ is supplied with the ballots and supplies necessary for the
26 county to conduct the election."

27

28 **NEW SECTION. Section 35. Repealer.** Sections 20-20-102, 20-20-103, 20-20-104, 20-20-106,
29 20-20-107, 20-20-108, 20-20-202, 20-20-203, 20-20-303, 20-20-312, 20-20-313, 20-20-402,
30 20-20-410, 20-20-411, 20-20-415, 20-20-416, 20-20-417, and 20-20-421, MCA, are repealed.

1

2 NEW SECTION. **Section 36. Effective date -- applicability.** [This act] is effective on passage and
3 approval and applies to school elections for school fiscal years beginning on or after July 1, 2001.

4

- END -





HOUSE JOINT RESOLUTION NO. 23

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF COMBINING SCHOOL ELECTIONS; AND REQUIRING A REPORT OF THE FINDINGS OF THE STUDY TO THE 56TH LEGISLATURE.

WHEREAS, section 20-20-105, MCA, establishes the first Tuesday in April of each year as the regular school election day and also provides for special school elections at any time determined necessary by the local school trustees; and

WHEREAS, Title 20, chapter 20, MCA, establishes procedures for conducting school elections that are distinct from those provided in Title 13, MCA, for other jurisdictions; and

WHEREAS, school districts and other jurisdictions hold required annual elections at the same time to share and reduce the costs of elections; and

WHEREAS, school districts, legislative districts, and other jurisdictions have boundaries, election dates, and election timelines that do not coincide; and

WHEREAS, Montana citizens would like to see a decrease in the number of school elections held by school trustees to reconsider bond or levy propositions that were defeated at elections held earlier in the year; and

WHEREAS, a majority of citizens believe that schools should be allowed to consider propositions with fiscal impacts only one time each calendar year; and

WHEREAS, costs could be saved if all school elections were held annually, either at the general election in November or at an established annual primary election in June; and

WHEREAS, school trustees would be more knowledgeable in preparing budgets if trustee elections occurred prior to the enactment of budgets.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That an appropriate interim committee be assigned to study:

(a) the current dates and the procedures used for school elections within the state;

(b) the procedural concerns with limiting or moving school elections, including but not limited to the effects on school budgeting procedures, overlapping precinct and school district boundary concerns, differences between election procedures provided for in Title 13, MCA, and Title 20, MCA, and collective bargaining issues; and

(c) the possibility of having school elections conducted by local election administrators and of moving school elections to coincide with state and local elections held on the general election day on the first Tuesday after the first Monday of November or establishing an annual primary date for all elections.

(2) That the interim committee conduct the study in consultation with interested parties involved in or affected by the election process, including but not limited to representatives of school districts, county election administrators, clerk and recorders, and rural fire and park districts and irrigation districts; and representatives of the Secretary of State, the Office of Public Instruction, and the Board of Public Education; and representatives of affected school organizations.

BE IT FURTHER RESOLVED, that the interim committee report the findings of the study to the 56th Legislature and present options for legislative consideration if the committee determines that options are necessary.

Adopted April 14, 1997

HOUSE JOINT RESOLUTION NO. 24

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA CONSENTING TO THE CONSTRUCTION OF A CHAPEL AT THE INSTITUTION OF THE MONTANA WOMEN'S CORRECTIONAL SYSTEM IN BILLINGS AND A CHURCH AT THE MONTANA DEVELOPMENTAL CENTER IN BOULDER AND THE MOVING OF A CHURCH STRUCTURE FROM THE GALEN CAMPUS TO THE WARM SPRINGS CAMPUS.

WHEREAS, section 18-2-102, MCA, requires legislative consent for construction projects in excess of \$50,000; and

WHEREAS, section 18-2-102, MCA, authorizes use of a joint resolution to express legislative consent when an appropriation is not required; and

WHEREAS, the Department of Corrections wishes to allow the construction of an interfaith chapel for worship and related activities at the institution of the Women's Correctional System in Billings through private funds for which a legislative appropriation is not required; and

WHEREAS, a small, dedicated chapel is included in current expansion plans to be funded through a statewide effort by a network of churches, civic and service groups, and individual Montana volunteers and through grants from national and state sources; and

WHEREAS, the project at the Montana Developmental Center in Boulder will include a church building on the north campus to be constructed by using funds raised in a nationwide effort; and

WHEREAS, the building will enable the residents of the Montana Developmental Center and the community of Boulder to have a place for worship and church-related activities and will provide office space for the chaplain; and

WHEREAS, a group of women from around Montana built a church at Galen many years ago and have consented to having the structure moved 6 miles to the Warm Springs Campus, and funds that will be raised through a nationwide effort will finance moving the structure and preparing a foundation, wiring, and plumbing for it; and

House BILL NO. 370

INTRODUCED BY Dregile GRINDE

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE TIME FOR HOLDING THE PRIMARY ELECTION IN EVEN-NUMBERED YEARS FROM JUNE TO APRIL; PROVIDING THAT THE COUNTY ELECTION ADMINISTRATOR SHALL CONDUCT THE REGULAR SCHOOL ELECTION IN THOSE YEARS IN WHICH THE PRIMARY ELECTION IS HELD; AND AMENDING SECTIONS 13-1-107, 20-20-401, AND 20-20-417, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-1-107, MCA, is amended to read:

"13-1-107. **Times for holding primary elections.** (1) On the first Tuesday ~~after the first Monday in June of April~~ preceding the general election provided for in 13-1-104(1), a primary election shall must be held throughout the state.

(2) On the Tuesday following the second Monday in September preceding the general election provided for in 13-1-104(2), a primary election, if required, shall must be held throughout the state.

(3) If the general election for a municipality required to hold annual elections is held in November, as provided in 13-1-104(4), a primary election, if required, shall must be held on the Tuesday following the second Monday in September. In an even-numbered year, the cost of this election must be paid by the municipality."

Section 2. Section 20-20-401, MCA, is amended to read:

"20-20-401. **Trustees' election duties -- ballot certification.** (1) ~~The~~ Except as provided under 20-20-417, the trustees are the general supervisors of school elections ~~unless the trustees request and the county election administrator agrees to conduct a school election under 20-20-417.~~

(2) Not less than 15 days before an election, the clerk of the district shall prepare a certified list of the names of all candidates entitled to be on the ballot and the official wording for each ballot issue. The clerk shall arrange for printing the ballots. Ballots for absentee voting must be printed and available at least 11 days prior to the election. Names of candidates on school election ballots need not be rotated.

(3) Before the opening of the polls, the trustees shall cause each polling place to be supplied with

1 the ballots and supplies necessary to conduct the election."
2

3 **Section 3.** Section 20-20-417, MCA, is amended to read:

4 "20-20-417. Request for county election administrator to conduct election. (1) ~~(a)~~ By Except as
5 provided under subsection (1)(b), by June 1 of each year, the trustees of any district may request the
6 county election administrator to conduct certain school elections during the ensuing school fiscal year.

7 (b) The county election administrator shall conduct the regular school election provided for under
8 20-20-105 in those years when a primary election is held pursuant to 13-1-107(1).

9 (2) Whenever the county election administrator ~~agrees to conduct~~ conducts a school election, ~~he~~
10 the administrator shall:

11 (a) perform the duties imposed on the trustees and the clerk of the district for school elections in
12 20-20-203, 20-20-313, and 20-20-401;

13 (b) conduct the election in accordance with the provisions of Title 13, chapters 13 and 15; and

14 (c) deliver to the trustees, for the purpose of canvassing the vote, the certified tally sheets and
15 other items as provided in 13-15-301.

16 (3) Whenever the ~~trustees request the~~ county election administrator ~~to conduct~~ conducts a school
17 election, the school district shall pay the costs of the election as provided in 13-1-302."

18

-END-