



**School District Issues Related to Implementing an Earlier Primary Election
Prepared for the SAVA Committee by Lance Melton, Executive Director, MTSBA
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Introduction:

The Montana School Boards Association has no position on an earlier primary election provided that it does not change school elections at all. We realize that the intent of the study is to look at the potential of incorporating the school elections to be conducted at the same time as the primary election and we respect that. However there is nothing in the study resolution that would mandate the consolidation of all school levy elections with an earlier primary election, nor is there language in the resolution that proposes to do so.

Without extensive changes in the law, the best solution is to leave school districts out of any consolidated primary election at which all other elections must occur and allow school district general fund levy elections to remain on the first Tuesday following the first Monday in May.

Questions to Address:

What do you see as the biggest opportunity of this study?

For the Montana School Boards Association, the biggest opportunity of this study is to increase awareness of the intricacies of school finance and school elections among a broader set of legislators than those with whom we regularly interact. There are legislators serving on the SAVA committee who have extensive background in public education issues by virtue of service on either house education or Senate education. We believe that those legislators will serve the SAVA committee well with their understanding of school issues.

What is your biggest concern about changing the date of the primary election?

Our biggest concern with changing the date of the primary election is that not just school levy elections but all school elections will somehow be gathered up and consolidated with that primary date. We are also concerned and would like to ensure against any possibility that the study will proceed without sufficient context for the effect on public schools that could lead to underestimating the significance of the changes that would be needed.

Consolidating school elections on any primary election day will not work without an extensive rewrite of school finance and other laws pertaining to school elections.

What is one thing you hope the committee will keep in mind as they work on the study?

There are several things of which MTSBA would hope the committee will keep in mind as it works on the study.

1. **MTSBA encourages the committee to limit its consideration of coordinating an earlier primary with school levy elections to focus solely on the trustee and general fund levy elections** currently scheduled each year on the 1st Tuesday following the first Monday in May. If the committee does limit its consideration of coordination to just the trustee elections and the general fund levy elections, the coordination for schools would be much simpler and potentially manageable provided that the date is not set much if any earlier than the current date for school levy elections and trustee elections.
2. **There are two tightly coordinated statutory timelines that require that general fund levy elections remain as close to their current date as possible.**
 - a. First, over 80% of a school district's budget is based upon its student account. A school district student count for funding purposes is calculated based upon the number of students enrolled in early October averaged with the number of students who are enrolled in early February. This is what's typically referred to as the count days for purposes of A&B. It is a fairly laborious process across the state, and the information is submitted to the office of public instruction shortly after the February count day. It typically takes the office of public instruction at least until mid-March to let school districts know what their budgeted ANB (average number belonging) count is. Until a school district has that number, it does not know how much it may increase its budget, if any, without a vote. Correspondingly, if there is to be a vote to help support the budget needs of the school district, this information must be in the hands of the trustees before they are called upon to pass a resolution for a school levy election.
 - b. Second, school district funding is driven by actions of the Legislature. The current date for elections in May typically works, in that school districts usually know what the Legislature has adopted for funding sufficiently in advance of the May elections to make at least an educated guess regarding their budgetary needs. Any earlier than May, however, and school districts would lack sufficient information regarding the actions of the Legislature and would be required to run levies that could overstate or understate their budgetary needs.
 - c. **It should also be noted that the current school funding formula not only contemplates but requires a local voted levy in order to allow a school district to increase their budget by the inflationary amounts adopted by the legislature.** We find that this particular condition is not well understood within the legislature. The current funding formula only provides an automatic increase for 80% of most school districts budgets. What that means, for example, is that when the legislature adopted a 3% increase in funding for schools in the 2025 session, the average school district only receives 2.4% unless it asks its voters to bridge the remaining gap up to 3%. Voted levies are instrumental to ensuring the ongoing educational relevance and sufficiency of school funding.

3. **There is a significant emphasis within Montana law on requiring voter approval of a variety of issues, some of which have nothing to do with funding levels or levies. These voted issues should either be left alone with school district discretion over when to run them or they should be eliminated.** School districts are governed by constitutionally empowered trustees who have authority under Article 10 of the Montana constitution to “supervise and control” the schools in in each district. The statutory framework for voter approval requirements does not currently align with the extent of this authority granted in the constitution. For example, school boards are required to obtain voter approval to sell any property of the school district, no matter how small, regardless of whether that is real property or personal property. School boards are also required to obtain voter approval to purchase property, even if the school district already has the resources necessary to complete the transaction without any additional burden on property taxpayers.
4. **Additional issues requiring voter approval, each of which should be left as is in current law and which should not be consolidated with and limited to an election on the primary date, include but are not limited to:**
 - a. 20-6-505, opening a junior high school where a county high school exists (even after voters have approved a bond to build such school)
 - b. 20-6-603, elections required to purchase, build, exchange, or otherwise acquire, sell, or dispose of sites and buildings.
 - c. 20-6-609, lease purchase agreements.
 - d. 20-6-621, approval of sites for school buildings (not just schools but all school buildings)
 - e. 20-9-421, Election to authorize the issuance of school district bonds ...
 - f. 20-9-705, Joint interstate school agreements
 - g. 20-6-312, County high school unification
 - h. 20-6-422, District annexation
 - i. 20-6-423, District consolidation
 - j. 20-9-208, Transfers from fund to fund
 - k. 20-9-422, School district bond election
 - l. 20-9-502:
 - i. Building Reserve
 - ii. Transitional Funding
 - iii. Safety levies
 - m. 20-9-533, Technology Depreciation Levies
 - n. 20-10-126, Establishment of transportation service areas

Conclusion

In conclusion, the Montana School Boards Association (MTSBA) recognizes the importance of the HJ48 study and appreciates the opportunity to provide input. While MTSBA has no position on an earlier primary election as a stand-alone proposition, we respectfully urge that the Committee recognize the need to preserve the current structure and timing of school elections to ensure

alignment with statutory timelines, legislative funding decisions, and the intricacies of school finance.

If school elections are to be considered in the context of HJ 48, we urge the committee to focus solely on trustee and general fund levy elections if at all, avoid disrupting timeframes that provide a narrow window for property informing levy elections for schools, and avoid impingements on the constitutional authority of school boards. MTSBA stands ready to assist the committee in any way possible as it conducts the HJ48 study and works toward solutions that support both the electoral process and the needs of Montana's public schools.