

1 HOUSE BILL NO. 784
2 INTRODUCED BY F. NAVE, K. SEEKINS-CROWE, S. GALLOWAY, B. KEENAN, J. READ, M. YAKAWICH, N.

3 HASTINGS

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO SCHOOL ELECTIONS;
6 CLARIFYING THE DEFINITION OF THE TERM "ELECTION ADMINISTRATOR" FOR THE PURPOSES OF
7 ELECTION CHALLENGES; REVISING TIMELINES AND OTHER PROVISIONS RELATED TO CANDIDATE
8 FILING, CANDIDATE WITHDRAWAL, WRITE-IN CANDIDATES, TRUSTEES CALLING ELECTIONS, ~~BALLOT~~
9 ~~CERTIFICATION~~, ELECTION BY ACCLAMATION, AND CERTIFICATES OF ELECTION; REVISING
10 RESIDENCY REQUIREMENTS FOR SCHOOL ELECTION JUDGES; AMENDING SECTIONS 13-1-101, 13-
11 10-211, 20-3-305, 20-3-313, 20-20-109, ~~AND 20-20-201~~, ~~AND 20-20-401~~, MCA; AND PROVIDING A
12 DELAYED EFFECTIVE DATE."

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

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

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

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

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

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

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

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

1 candidates who have filed a declaration of intent with the secretary of state. Each election administrator shall
2 notify the election judges in the county or district of the names of write-in candidates who have filed a
3 declaration of intent.

4 (4) A properly completed and signed declaration of intent may be provided to the election
5 administrator or secretary of state:

6 (a) by facsimile transmission;

7 (b) in person;

8 (c) by mail; or

9 (d) by electronic mail.

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

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

14 (7) Except as provided in 13-38-201(4)(b), the requirements in subsection (1) do not apply if:

15 (a) an election is held;

16 (b) a person's name is written in on the ballot;

17 (c) the person is qualified for and seeks election to the office for which the person's name was
18 written in; and

19 (d) no other candidate has filed a declaration or petition for nomination or a declaration of intent."
20

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

22 **"20-3-305. Candidate qualification, filing deadline, and withdrawal.** (1) Except as provided in 20-
23 3-338, any person who is qualified to vote in a district under the provisions of 20-20-301 is eligible for the office
24 of trustee.

25 (2) (a) Except as provided in subsection (2)(b), a declaration of intent to be a candidate must be
26 submitted to the clerk of the district, or to the county election administrator if the election is being conducted by
27 the county, at least 40 65 days before the regular school election day at which the person is to be a candidate.

28 If there are different terms to be filled, the term for the position for which the candidate is filing must also be

1 indicated.

2 (b) A person seeking to become a write-in candidate for a trustee position shall file a declaration of
3 intent no later than 5 p.m. ~~on the day before the ballot certification deadline in 20-20-401~~ 55 40 days before the
4 election.

5 (3) (a) A candidate intending to withdraw from the election shall send a statement of withdrawal to
6 the clerk of the district. The statement must contain all information necessary to identify the candidate and the
7 office for which the candidate filed. The statement of withdrawal must be acknowledged by the clerk of the
8 district.

9 (b) A candidate may not withdraw after 5 p.m. ~~the day before the ballot certification deadline in 20-~~
10 ~~20-401~~ 55 40 days before the election."

11

12 **Section 4.** Section 20-3-313, MCA, is amended to read:

13 **"20-3-313. Election by acclamation -- notice.** (1) If the number of candidates filing for vacant
14 positions or filing a declaration of intent to be a write-in candidate under 20-3-305(2)(b) is equal to or less than
15 the number of positions to be elected, the trustees may cancel the election.

16 (2) If the election is canceled, the trustees shall give notice in the manner provided in 20-20-
17 204(1)(a)(i) through (1)(a)(iii) that a trustee election will not be held. Notice must be given no later than 30 days
18 before the election. A copy of the notice must be provided to the county election administrator and the
19 superintendent of public instruction.

20 (3) If a trustee election is not held, the trustees shall declare elected by acclamation the candidate
21 who filed for the position or who filed a declaration of intent to be a write-in candidate and shall canvass the
22 election in accordance with 20-20-415 and issue a certificate of election to the candidate in accordance with 20-
23 20-416.

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

27

28 **Section 5.** Section 20-20-109, MCA, is amended to read:

1 **"20-20-109. Election judges -- qualifications -- training.** (1) Election judges must be qualified
2 registered electors of the school district ~~in which they serve~~ or a county in which the school district is located.

3 (2) An election judge may not be:

4 (a) the candidate;

5 (b) an ascendant, descendant, brother, or sister of a candidate; or

6 (c) the spouse of the candidate or of any of the individuals listed in subsection (2)(b).

7 (3) School election judges must meet the training and certification requirements of 13-4-203."
8

9 **Section 6.** Section 20-20-201, MCA, is amended to read:

10 **"20-20-201. Calling of school election.** (1) At least 70 ~~100~~ 70 days before any other school election,
11 the trustees of a district or other entity or official authorized by law to call a school election shall call the school
12 election by resolution, stating the date and purpose of each election and whether, pursuant to 13-19-202, any
13 election is requested to be by mail.

14 (2) To enable the county election administrator to manage voter registration and prepare the lists
15 of registered electors:

16 (a) the resolution calling for a school election must be transmitted to the county election
17 administrator and the superintendent of public instruction no later than 3 days after the resolution is passed;

18 and

19 (b) if the election is to be conducted by mail, the school clerk must also transmit to the county
20 election administrator a copy of the written plan required under 13-19-205 as soon as the plan has been
21 approved by the secretary of state."
22

23 ~~**Section 7.** Section 20-20-401, MCA, is amended to read:~~

24 ~~**"20-20-401. Trustees' election duties -- ballot certification.** (1) The trustees are the general
25 supervisors of school elections unless the trustees request and the county election administrator agrees to
26 conduct a school election under 20-20-417.~~

27 ~~(2) Not less than 30 45 days before an election, the clerk of the district shall certify the ballot by
28 preparing a certified list of the names of all candidates entitled to be on the ballot subject to 13-37-126 and~~

1 ~~certifying the official wording for each ballot issue. The candidates' names must appear on the ballot in~~
2 ~~accordance with 13-12-203. The clerk shall arrange for printing the ballots. Ballots for absentee voting must be~~
3 ~~printed and available at least 20 days before the election. Names of candidates on school election ballots need~~
4 ~~not be rotated.~~
5 ~~(3) — Before the opening of the polls, the trustees shall cause each polling place to be supplied with~~
6 ~~the ballots and supplies necessary to conduct the election."~~

7

8 NEW SECTION. Section 7. Effective date. [This act] is effective August 1, 2023.

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