HOUSE BILL NO. 406

INTRODUCED BY F. NAVE, W. MCKAMEY

A BILL FOR AN ACT ENTITLED: “AN ACT REVISING DEADLINES RELATED TO SCHOOL DISTRICT ELECTIONS; ALIGNING CERTAIN DEADLINES WITH LOCAL GOVERNMENT ELECTIONS HELD ON THE SAME DAY AS A REGULAR SCHOOL ELECTION; AND AMENDING SECTIONS 13-10-211, 20-3-305, 20-20-201, AND 20-20-401, MCA.”

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

**Section 1.** Section 13-10-211, MCA, is amended to read:

"**13-10-211. Declaration of intent for write-in candidates.** (1) A person seeking to become a write-in candidate for an office in any election shall file a declaration of intent. Except for a candidate under 13-38-201(4) or a candidate covered under 7-1-205, a candidate may not file for more than one public office. The declaration of intent must be filed with the secretary of state or election administrator, depending on where a declaration of nomination for the desired office is required to be filed under 13-10-201, or with the school district clerk for a school district office. When a county election administrator is conducting the election for a school district, the school district clerk or school district office that receives the declaration of intent shall notify the county election administrator of the filing. Except as provided in 13-1-403, 13-1-503, ~~20-3-305(3)(b),~~ 20-3-305, and subsection (2) of this section, the declaration must be filed no later than 5 p.m. on the 10th day before the earliest date established under 13-13-205 on which a ballot must be available and must contain:

(a) the candidate's name, including:

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

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

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

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

name;

(b) the candidate's mailing address;

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

(d) the title of the office sought;

(e) the date of the election;

(f) the date of the declaration; and

(g) the candidate's signature.

(2) A declaration of intent may be filed after the deadline provided for in subsection (1) but no later than 5 p.m. on the day before the election if, after the deadline prescribed in subsection (1), a candidate for the office that the write-in candidate is seeking dies or is charged with a felony offense and if the election has not been canceled as provided by law.

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

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

(a) by facsimile transmission;

(b) in person;

(c) by mail; or

(d) by electronic mail.

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

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

**Section 2.** Section 20-3-305, MCA, is amended to read:

"**20-3-305. Candidate qualification, filing deadline, and withdrawal.** (1) Except as provided in 20-

3-338, any person who is qualified to vote in a district under the provisions of 20-20-301 is eligible for the office of trustee.

(2) (a) Except as provided in subsection (2)(b), a declaration of intent to be a candidate must be submitted to the clerk of the district ~~at least 40 days~~ no sooner than 145 days and no later than 85 days before the regular school election day at which the person is to be a candidate. If there are different terms to be filled, the term for the position for which the candidate is filing must also be indicated.

(b) A person seeking to become a write-in candidate for a trustee position shall file a declaration of intent no later than 5 p.m. on the 65th day before the ~~ballot certification deadline in 20-20-401~~ election.

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

(b) A candidate may not withdraw after 5 p.m. ~~the day before the ballot certification deadline in 20-20-401~~ ON the candidate filing deadline provided in subsection (2)(a)."

**Section 3.** Section 20-20-201, MCA, is amended to read:

"**20-20-201. Calling of school election.** (1) (a) ~~At least 70 days~~ NO ~~SOONER THAN~~ AT LEAST 145 days ~~AND NO LATER THAN 85 DAYS~~ before ~~any~~ a regular school election, the trustees of a district or other entity or official authorized by law to call a school election shall call the school election by resolution, stating the date and purpose of each election and whether, pursuant to 13-19-202, ~~any~~ the election is requested to be by mail.

(b) The trustees or other entity described in subsection (1)(a) may amend the resolution provided for in subsection (1)(a) until 70 days prior to the regular school election. This subsection (1)(b) may not be construed to affect the ballot certification deadline concerning the certification of the official wording for each ballot issue as provided in 20-20-401.

(c) At least 70 days prior to a special election, the trustees of a district or other entity or official authorized by law to call a school election shall call the special election by resolution, stating the date and purpose of each election and whether, pursuant to 13-19-202, ~~any~~ THE election is requested to be by mail.

(2) To enable the county election administrator to manage voter registration and prepare the lists

of registered electors:

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

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

**Section 4.** Section 20-20-401, MCA, is amended to read:

"**20-20-401. Trustees' election duties -- ballot certification.** (1) 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 ~~30 days 37 days~~ 40 DAYS before an election, the clerk of the district shall certify the ballot by preparing a certified list of the names of all candidates entitled to be on the ballot subject to 13-37-126 and certifying the official wording for each ballot issue. The candidates' names must appear on the ballot in accordance with 13-12-203. The clerk shall arrange for printing the ballots. Ballots for absentee voting must be printed and available at least 20 days before 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 the ballots and supplies necessary to conduct the election."

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