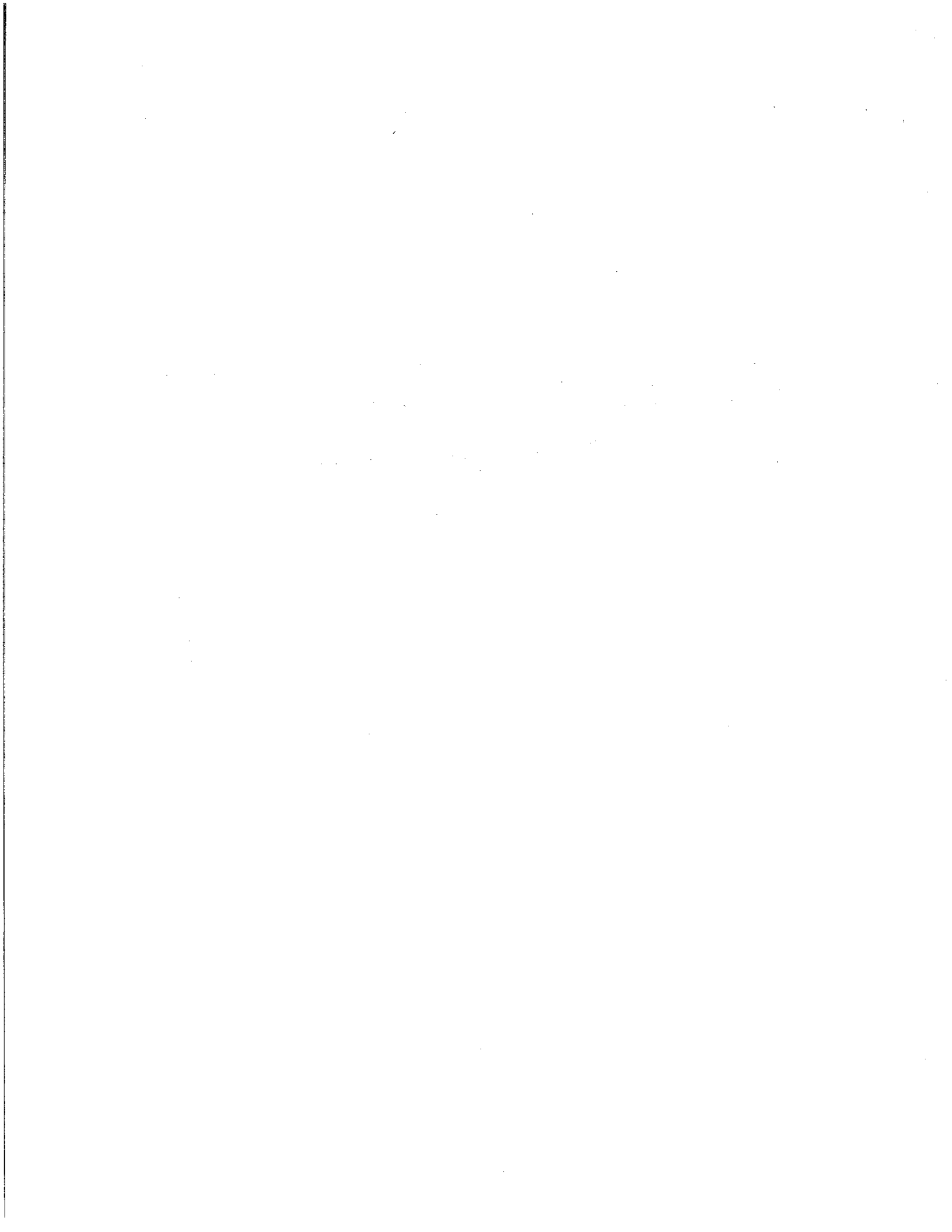


**SB 110 and Fiscal Note
2001 Session**



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 name.)

8

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 name.)

11

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 name.)"

14

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 assume the
 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~~ the school election by resolution, stating the date and purpose of
26 ~~such the~~ 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)~~ (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)~~ (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 -



FISCAL NOTE

Bill #: SB0110

Title: Revise primary election and school election dates

Primary Sponsor: Alvin Ellis

Status: As Introduced

Sponsor signature _____ Date _____

Chuck Swysgood, Budget Director _____ Date _____

Fiscal Summary

	<u>FY2002 Difference</u>	<u>FY2003 Difference</u>
Expenditures:	0	0
Revenue:	0	0
Net Impact on General Fund Balance:	\$0	\$0

<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Significant Local Gov. Impact		Technical Concerns	
	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Included in the Executive Budget		Significant Long-Term Impacts	
	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Dedicated Revenue Form Attached		Family Impact Form Attached	

Fiscal Analysis

ASSUMPTIONS:

1. SB 110 will have no fiscal impact on the state.

