

## SENATE BILL NO. 369

INTRODUCED BY J. PRIEST

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTIONS LAWS; REDEFINING  
5 SPECIAL ELECTIONS; REQUIRING LOCAL GOVERNMENT UNITS, SCHOOL DISTRICTS, AND  
6 SELF-GOVERNING DISTRICTS TO HOLD ELECTIONS ON REGULARLY HELD ELECTION DAYS, EXCEPT  
7 IN CASES OF EMERGENCY; AND AMENDING SECTIONS 7-2-4602, 7-3-160, 7-3-175, 7-3-176, 7-3-4326,  
8 7-3-4341, 7-5-136, 7-6-1504, 7-7-105, 7-7-2223, 7-7-2227, 7-7-2229, 7-7-2237, 7-7-4226, 7-7-4227, 7-7-4235,  
9 7-7-4427, 7-11-1011, 7-13-2208, 7-13-2323, 7-13-2341, 7-14-210, 13-1-101, 13-1-104, 13-1-107, 13-1-401,  
10 13-3-202, 15-10-425, 20-3-301, 20-9-428, 20-9-471, 20-20-105, 22-1-304, 22-1-702, 76-15-606, 85-7-102, AND  
11 85-8-624, MCA."

12

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

14

15 **Section 1.** Section 7-2-4602, MCA, is amended to read:

16 **"7-2-4602. Election on question of annexation by petition.** (1) The question of annexation may be  
17 submitted at the next primary or general municipal election to be held in the municipal corporation, ~~or it may be~~  
18 ~~submitted prior to the general election, either at a special election called for that purpose or at any other municipal~~  
19 ~~election, except an election at which the submission of such question is prohibited by law.~~

20 (2) The election ~~shall~~ must be conducted and the returns made in the same manner as other city or town  
21 elections. All election laws governing city and town elections ~~shall~~ govern; insofar as they are applicable.

22 (3) Whenever the question of annexation under this title is submitted at either a general city or town  
23 election or at a special election, separate ballots, ~~shall~~ must be provided ~~therefor~~ for the question of annexation."

24

25 **Section 2.** Section 7-3-160, MCA, is amended to read:

26 **"7-3-160. Election of new officials.** (1) Within 20 days after an election at which a new form of  
27 government or change in a plan of government is approved by the electors, the governing body of the local  
28 government shall meet and order a special primary and general election for the purpose of electing the officials  
29 required by the new form or plan of government. The elections for officials must be held in conjunction with ~~any~~  
30 ~~other~~ the next regularly scheduled primary or general election of that government pursuant to Title 13, chapter

1 1.

2 (2) The order must specify:

3 (a) a date for the primary election to be held no later than the government's next regularly scheduled  
4 primary election; and

5 (b) a date for the general election to be held no later than the next regularly scheduled city or county  
6 general election following the primary election date established under subsection (2)(a)."

7

8 **Section 3.** Section 7-3-175, MCA, is amended to read:

9 **"7-3-175. Election on question of establishing study commission.** (1) The question of conducting  
10 a local government review and establishing a study commission must be submitted to the electors in substantially  
11 the following form:

12 Vote for one:

13  FOR the review of the government of (insert name of local government) and the establishment  
14 and funding, not to exceed (insert dollar or mill amount), of a local government study commission  
15 consisting of (insert number of members) members to examine the government of (insert name  
16 of local government) and submit recommendations on the government.

17  AGAINST the review of the government of (insert name of local government) and the  
18 establishment and funding, not to exceed (insert dollar or mill amount), of a local government  
19 study commission consisting of (insert number of members) members to examine the  
20 government of (insert name of local government) and submit recommendations on the  
21 government.

22 (2) The question of conducting a local government review and establishing a study commission requires  
23 an affirmative vote of a majority of those voting on the question for passage.

24 (3) Except for elections to be conducted pursuant to 7-3-173(2), a special election on the question of  
25 reviewing a local government and establishing a study commission must be held ~~no sooner than 60 days and no~~  
26 ~~later than 90 days after the passage of a resolution or the certification of a petition calling for an election on the~~  
27 ~~question at the next regularly scheduled general or primary election in accordance with Title 13, chapter 1.~~"

28

29 **Section 4.** Section 7-3-176, MCA, is amended to read:

30 **"7-3-176. Election of commission members.** (1) If the question of reviewing the local government and

1 establishing a study commission is approved, an election to fill the positions on the local government study  
 2 commission must be held in conjunction with the first regularly scheduled primary or general election of the local  
 3 government conducted after 90 days following the election establishing the study commission. A primary election  
 4 may not be held.

5 (2) The names of study commission candidates who have filed declarations of nomination not later than  
 6 75 days before the date of the election must be placed on the ballot. There is no filing fee. The election is  
 7 nonpartisan, and candidates must be listed without party or other designation or slogan. The secretary of state  
 8 shall prescribe the ballot form for study commissioners.

9 (3) Candidates for study commission positions must be electors of the local government for which the  
 10 study commission has been established. The candidates may not be elected officials of the local government.

11 (4) The number of candidates, equal to the number of study commission positions to be elected,  
 12 receiving the highest number of votes, which includes votes cast for candidates who have officially filed  
 13 nominations and votes for write-in candidates, must be declared elected. If there is a tie vote among candidates,  
 14 the governing body shall decide by lot which candidate will fill the position.

15 (5) If the number of study commissioners elected is not equal to the number required to be selected, the  
 16 presiding officer of the governing body, with the confirmation of the governing body, shall appoint the additional  
 17 study commissioners within 20 days of the election. An elected official of the local government may not be  
 18 appointed."

19

20 **Section 5.** Section 7-3-4326, MCA, is amended to read:

21 **"7-3-4326. Emergency measures.** (1) An emergency measure is an ordinance or resolution for the  
 22 immediate preservation of the public peace, property, health, or safety or providing for the usual daily operation  
 23 of a municipal department, in which the emergency is set forth and defined in a preamble ~~thereto~~ to the  
 24 emergency measure. Ordinances or resolutions appropriating money or ordering any street improvement or  
 25 sewer, unless it is endangering the health or safety of the inhabitants, or granting any franchise or extension of  
 26 franchise or other special privilege or regulating the rate to be charged for its services by any public utility or right  
 27 to occupy or use the streets, highways, bridges, or other public places ~~shall never~~ may not be passed as  
 28 emergency measures.

29 (2) Ordinances passed as emergency measures ~~shall be~~ are subject to a referendum in ~~like the same~~  
 30 manner as other ordinances, except that ~~they shall~~ the ordinances must go into effect at the time indicated in ~~such~~

1 the ordinances. If, when submitted to a vote of the electors, an emergency measure is not approved by a majority  
 2 of those voting thereon on the emergency measure, it shall must be considered repealed as regards with regard  
 3 to any further action thereunder with respect to the emergency measure; but such a measure so that is repealed  
 4 shall be deemed is sufficient authority for payment, in accordance with the ordinance, of any expense incurred  
 5 previous to the referendum vote thereon on the emergency measure.

6 (3) The election for a referendum on an emergency measure must be held at the next regularly  
 7 scheduled election in accordance with Title 13, chapter 1."

8

9 **Section 6.** Section 7-3-4341, MCA, is amended to read:

10 **"7-3-4341. General provisions relating to elections.** (1) ~~Except as otherwise provided in this part and~~  
 11 ~~part 44, all~~ All elections shall must be conducted as provided in Title 13.

12 (2) Elected officials provided for in ~~this part and~~ part 44 and this part shall must be nominated and  
 13 elected under the provisions of Title 13, chapter 14, part 1.

14 (3) Except for emergency measures as described in 7-3-4326, an election must be held at the next  
 15 regularly scheduled election in accordance with Title 13, chapter 1."

16

17 **Section 7.** Section 7-5-136, MCA, is amended to read:

18 **"7-5-136. Submission of question to electors.** (1) (a) Any ordinance proposed by petition, any  
 19 amended ordinance proposed by petition, or any referendum on an ordinance entitled to be submitted to the  
 20 electors must be voted on at the next regular election to be held in the local government, ~~unless:~~

21 ~~(a)(b) the~~ A petition asks may ask that the question be submitted at a special election and ~~is~~ must be  
 22 signed by at least 25% of the electors of the local government, in which case the governing body shall call a  
 23 special election to be held in conjunction with a ~~regular or primary or general~~ election, ~~or~~

24 ~~(b)(c) the~~ The governing body calls may call for a special election on the question to be held in  
 25 conjunction with a regular or primary election.

26 (2) A special election may not be held sooner than 75 days after the adequacy of the petition is  
 27 determined by the election administrator or the governing body orders a special election.

28 (3) If the adequacy of the petition is determined by the election administrator less than 75 days prior to  
 29 the next regular election, the election must be delayed until the following regular election ~~unless a special election~~  
 30 ~~is called.~~

1 (4) Whenever a measure is ready for submission to the electors, the appropriate election administrator  
 2 shall in writing notify the governing body and shall publish notice of the election and the ordinance that is to be  
 3 proposed or amended. In the case of a referendum, the ordinance sought to be repealed must be published.

4 (5) The question must be placed on the ballot, giving the electors a choice between accepting or  
 5 rejecting the proposal.

6 (6) If a majority of those voting favor the proposal, it becomes effective when the election results are  
 7 officially declared unless otherwise stated in the proposal."

8

9 **Section 8.** Section 7-6-1504, MCA, is amended to read:

10 **"7-6-1504. Resort tax -- election required -- procedure -- notice.** (1) A resort community or area may  
 11 not impose or, except as provided in 7-6-1505, amend or repeal a resort tax unless the resort tax question has  
 12 been submitted to the electorate of the resort community or area and approved by a majority of the electors voting  
 13 on the question.

14 (2) The resort tax question may be presented to the electors of:

15 (a) a resort community by a petition of the electors as provided by 7-1-4130, 7-5-132, and 7-5-134  
 16 through 7-5-137 or by a resolution of the governing body of the resort community; or

17 (b) a resort area by a resolution of the board of county commissioners, following receipt of a petition of  
 18 electors as provided in 7-6-1508.

19 (3) If a resort area is in more than one county, the resort tax question must be presented to and approved  
 20 by the electors in the resort area of each county.

21 (4) The petition or resolution referring the taxing question must state:

22 (a) the rate of the resort tax;

23 (b) the duration of the resort tax;

24 (c) the date when the tax becomes effective, which date may not be earlier than 35 days after the  
 25 election; and

26 (d) the purposes that may be funded by the resort tax revenue.

27 (5) Upon receipt of an adequate petition, the governing body ~~may~~: shall

28 ~~—(a) call a special election on the resort tax question; or~~

29 ~~—(b) have the resort tax question placed on the ballot at the next regularly scheduled election in~~  
 30 accordance with Title 13, chapter 1.

1 (6) (a) Before the resort tax question is submitted to the electorate of a resort community or area, the  
 2 governing body of the resort community or the board of county commissioners in the county in which the resort  
 3 area is located shall publish notice of the goods and services subject to the resort tax, in a newspaper that meets  
 4 the qualifications of subsection (6)(b). The notice must be published twice, with at least 6 days separating  
 5 publications. The first publication must be no more than 30 days prior to the election and the last no less than 3  
 6 days prior to the election.

7 (b) The newspaper must be:

8 (i) of general, paid circulation with a second-class mailing permit;

9 (ii) published at least once a week; and

10 (iii) published in the county where the election will take place.

11 (7) The question of the imposition of a resort tax may not be placed before the electors more than once  
 12 in any fiscal year."

13

14 **Section 9.** Section 7-7-105, MCA, is amended to read:

15 **"7-7-105. Challenges to local government bond elections.**

16 (1) ~~No~~ An action may not be brought for the purpose of restraining the issuance and sale of bonds or  
 17 other obligations by any county, city, town, or political subdivision of the state or for the purpose of restraining the  
 18 levy and collection of taxes for the payment of ~~such~~ the bonds or other obligations after the expiration of 60 days  
 19 from the date of the election on ~~such~~ the bonds or obligations or, if no election was held ~~thereon~~ on the bonds  
 20 or obligations, after the expiration of 60 days from the date of the order, resolution, or ordinance authorizing the  
 21 issuance ~~thereof~~ of the bonds or obligations, on account of any defect, irregularity, or informality in giving notice  
 22 of or in holding the election. ~~No~~ A defense based upon any such defect, irregularity, or informality may not be  
 23 interposed in any action unless brought within this period. This subsection applies but is not limited to any action  
 24 and defense in which the issue is raised whether a voted debt or liability has carried by the required majority vote  
 25 of the electors qualified and offering to vote ~~thereon~~ on the debt or liability.

26 (2) An election for the issuance of local government bonds must be held at a primary or general election.

27 ~~(2)(3)~~ (a) Any elector qualified to vote in a bond election of a county, a city, or any political subdivision  
 28 of either may contest a bond election for any of the following causes:

29 (i) that the precinct board, in conducting the election or in canvassing the returns, made errors sufficient  
 30 to change the result of the election;

- 1 (ii) that any official charged with a duty under the election laws failed to perform that duty;
- 2 (iii) that in conducting the election, any official charged with a duty under the election laws violated any  
3 of the provisions of Title 13 relating to bond elections;
- 4 (iv) that electors qualified to vote in the election under the provisions of the constitutions of Montana and  
5 the United States were not given opportunity to vote in the election;
- 6 (v) that electors not qualified to vote in the election under the provisions of the constitutions of Montana  
7 and the United States were permitted to vote in the election.
- 8 (b) Within 60 days after the election, the contestant shall file a verified petition with the clerk of the court  
9 in the judicial district where the election was held.

10 ~~(3)(4)~~ The word "action", as used in this section, is to be construed, whenever it is necessary to do so,  
11 ~~as including~~ means a special proceeding of a civil nature."

12

13 **Section 10.** Section 7-7-2223, MCA, is amended to read:

14 **"7-7-2223. Election required for issuance of certain bonds.** (1) County bonds for any purpose other  
15 than those enumerated in 7-7-2221 and 7-7-2311 may not be issued unless authorized ~~at a special election that~~  
16 ~~is conducted by mail ballot, as provided in Title 13, chapter 19,~~ at a special election held in conjunction with a  
17 regular or primary election; or at a general election at which the question of issuing the bonds is submitted to the  
18 registered electors of the county and approved as provided in 7-7-2237. The election may be held by mail ballot  
19 in accordance with Title 13, chapter 19.

20 (2) A bond election may not be called unless the board of county commissioners:

- 21 (a) initiates and unanimously adopts a resolution in accordance with the provisions of 7-7-2227(2); or  
22 (b) receives a petition, delivered and certified by the election administrator, asking that the election be  
23 held and the question be submitted. The petition must be signed by at least 20% of the registered electors of the  
24 county."

25

26 **Section 11.** Section 7-7-2227, MCA, is amended to read:

27 **"7-7-2227. Examination of petition -- resolution calling for election.** (1) Upon delivery of the certified  
28 petition, the board shall carefully examine the petition and make any other investigation that it may consider  
29 necessary. If it is found that the petition is in proper form, bears the requisite number of signers of qualified  
30 petitioners, and is in all other respects sufficient, the board shall pass and adopt a resolution that contains the

1 provisions of subsection (2) plus the essential facts in regard to the petition and its filing and presentation.

2 (2) The resolution must:

3 (a) recite the purpose or purposes for which the bonds are proposed to be issued;

4 (b) fix the exact amount of bonds proposed to be issued for each purpose, which amount may be less  
5 than but must not exceed the amount set forth in the petition;

6 (c) determine the number of years through which the bonds are to be paid, not exceeding the limitations  
7 fixed in 7-7-2206; and

8 (d) make provision for having the question submitted to the registered electors of the county ~~at the next~~  
9 ~~general election or at a special election that is conducted by mail ballot, as provided in Title 13, chapter 19, or~~  
10 ~~that is at an election that is held in conjunction with a regular or primary~~ the next regularly scheduled election and  
11 that the board may call for that purpose pursuant to Title 13, chapter 1. The question may be submitted by mail  
12 ballot as provided in Title 13, chapter 19.

13 (3) Whenever a board of county commissioners initiates a resolution in accordance with the provisions  
14 of 7-7-2223, the resolution must contain the provisions of subsection (2)."

15

16 **Section 12.** Section 7-7-2229, MCA, is amended to read:

17 **"7-7-2229. Notice of election.** (1) Whether the election is held at the general election, ~~at an election~~  
18 ~~that is conducted by mail ballot, as provided in Title 13, chapter 19,~~ or at a special election that is held in  
19 conjunction with a regular or primary election, separate notice of the election must be given.

20 (2) (a) The notice must state:

21 (i) the date when the election will be held;

22 (ii) the amount of bonds proposed to be issued;

23 (iii) the purpose of the issue;

24 (iv) the term of years through which the bonds are to be paid; and

25 (v) other information regarding the holding of the election and the bonds proposed to be issued that the  
26 board may consider proper.

27 (b) If bonds are to be issued for two or more purposes, each purpose and the amount for each purpose  
28 must be separately stated.

29 (3) The notice must be published as provided in 13-1-108.

30 (4) The election may be held by mail ballot as provided in Title 13, chapter 19."

1

2           **Section 13.** Section 7-7-2237, MCA, is amended to read:

3           **"7-7-2237. Percentage of electors required to authorize bond issue.** Whenever the question of  
4 issuing county bonds for any purpose is submitted to the registered electors of a county at a general election,~~at~~  
5 ~~an election that is conducted by mail ballot, as provided in Title 13, chapter 19,~~ or at a special election that is held  
6 in conjunction with a regular or primary election, the determination of the approval or rejection of the bond  
7 proposition is made in the following manner:

8           (1) determine the total number of electors who were qualified to vote in the bond election;

9           (2) determine the total number of qualified electors who voted in the bond election from the tally sheet  
10 or sheets for the election;

11           (3) calculate the percentage of qualified electors voting at the bond election by dividing the number  
12 determined in subsection (2) by the number determined in subsection (1); and

13           (4) when the calculated percentage in subsection (3) is 40% or more, the bond proposition is considered  
14 approved and adopted if a majority of the votes cast were in favor of the proposition, otherwise it is considered  
15 rejected; or

16           (5) when the calculated percentage in subsection (3) is more than 30% but less than 40%, the bond  
17 proposition is considered approved and adopted if 60% or more of the votes cast were in favor of the proposition,  
18 otherwise it is considered rejected; or

19           (6) when the calculated percentage in subsection (3) is 30% or less, the bond proposition is considered  
20 rejected.

21           (7) The bond election may be held by mail ballot as provided in Title 13, chapter 19."

22

23           **Section 14.** Section 7-7-4226, MCA, is amended to read:

24           **"7-7-4226. Resolution to submit question of issuing bonds to voters.** (1) When the governing body  
25 of any municipality considers it necessary to issue bonds pledging the general credit of the municipality pursuant  
26 to a statute of this state, the governing body shall pass and adopt a resolution.

27           (2) The resolution must:

28           (a) recite the purpose or purposes for which it is proposed to issue the bonds;

29           (b) fix the amount of bonds to be issued for each purpose;

30           (c) determine the number of years through which the bonds are to be paid, not exceeding the limits fixed

1 in 7-7-4205; and

2 (d) unless the bonds are revenue bonds not pledging the general credit of the municipality, make  
3 provisions that are necessary for submitting the question to the registered electors of the city or town at the next  
4 general city or town election, ~~at an election that is conducted by mail ballot, as provided in Title 13, chapter 19,~~  
5 or at a special election that is held in conjunction with a regular or primary election and that the governing body  
6 may call for the purpose. The election may be hld by mail ballot as provided in Title 13, chapter 19.

7 (3) Whenever the bond issuance is proposed by petition, the governing body shall, before submitting the  
8 measure to the electors, pass a resolution containing the information required in this section and setting forth the  
9 essential facts in regard to the filing and presentation of the petition."

10

11 **Section 15.** Section 7-7-4227, MCA, is amended to read:

12 **"7-7-4227. Notice of election.** (1) Whether the election is held at the general city or town election, ~~at~~  
13 ~~an election that is conducted by mail ballot, as provided in Title 13, chapter 19,~~ or at a special election that is held  
14 in conjunction with a regular or primary election, separate notice of the election must be given.

15 (2) (a) The notice must state:

16 (i) the date when the election will be held;

17 (ii) the amount of bonds proposed to be issued;

18 (iii) the purpose of the bonds;

19 (iv) the term of years through which the bonds will be paid; and

20 (v) other information regarding the election and the proposed bonds that the board may consider proper.

21 (b) If the bonds that are proposed to be issued are for two or more purposes, each purpose and the  
22 amount for each purpose must be separately stated.

23 (3) The notice must be published as provided in 13-1-108 and may be posted in each voting precinct  
24 in the city or town at least 10 days prior to the date for holding the election.

25 (4) The election may be held by mail ballot provided in Title 13, chapter 19."

26

27 **Section 16.** Section 7-7-4235, MCA, is amended to read:

28 **"7-7-4235. Percentage of electors required to authorize issuing of bonds.** (1) Whenever the  
29 question of issuing bonds for any purpose is submitted to the registered electors of a city or town, ~~at a general~~  
30 ~~election, at an election that is conducted by mail ballot, as provided in Title 13, chapter 19, or at a special election~~

1 ~~that is held in conjunction with a regular or primary election~~, the determination of the approval or rejection of the  
 2 bond proposition is made by a majority of the votes cast on the issue.

3 (2) The election on the question of issuing bonds must be held at the next regularly scheduled election  
 4 in accordance with Title 13, chapter 1. The election may be held by mail ballot as provided in Title 13, chapter  
 5 19."

6

7 **Section 17.** Section 7-7-4427, MCA, is amended to read:

8 **"7-7-4427. Special election on question of issuing bonds.** (1) When the governing body has chosen  
 9 to submit the question of issuing bonds to the electorate, the special election must be ~~conducted by mail ballot,~~  
 10 ~~as provided in Title 13, chapter 19, or must be held in conjunction with a regular or primary election and must be~~  
 11 ~~noticed and conducted as provided for municipal general obligation bonds in chapter 7, part 42. The election may~~  
 12 ~~be held by mail ballot as provided in Title 13, chapter 19.~~

13 (2) The special election must be held not later than the next municipal election that is held after the  
 14 council or governing body of the municipality has by resolution or resolutions approved the acquisition, purchase,  
 15 construction, reconstruction, improvement, betterment, or extension of any undertaking as provided in this part  
 16 has and ordered the special election."

17

18 **Section 18.** Section 7-11-1011, MCA, is amended to read:

19 **"7-11-1011. Referendum -- election.** (1) The governing body may order a referendum on the creation  
 20 of the proposed special district to be submitted to the registered voters who reside within the proposed special  
 21 district and the individuals qualified to vote pursuant to subsections (5) and (6).

22 (2) The referendum must state:

23 (a) the type and maximum rate of the initial proposed assessments or fees that would be imposed,  
 24 consistent with the requirements of 7-11-1007(2)(e) and 7-11-1024;

25 (b) the type of activities proposed to be financed, including a general description of the program or  
 26 improvements;

27 (c) a general description of the areas included in the proposed special district; and

28 (d) whether the proposed special district would be administered by the governing body or an appointed  
 29 or elected board.

30 (3) The referendum must be held in conjunction with a regular or primary election. ~~or must~~ The election

1 may be conducted by mail ballot election as provided in Title 13, chapter 19.

2 (4) The proposition to be submitted to the electorate must read: "Shall the proposition to organize (name  
3 of proposed special district) be adopted?"

4 (5) Except as provided in subsection (6), an individual is entitled to vote on the proposition if the  
5 individual:

6 (a) meets all qualifications required of electors under the general election laws of the state; and

7 (b) is a resident of or owner of taxable real property in the area subject to the proposed special district.

8 (6) An individual who is the owner of real property described in subsection (5)(b) need not possess the  
9 qualifications required of an elector in subsection (5)(a) if the individual is qualified to vote in any county of the  
10 state and files proof of registration with the election administrator at least 20 days prior to the referendum in which  
11 the individual intends to vote.

12 (7) The referendum must be conducted, the vote canvassed, and the result declared in the same manner  
13 as provided by Title 13 in respect to general elections, so far as it is applicable, except as provided in subsection  
14 (3).

15 (8) If the referendum is approved, the election administrator of each county shall:

16 (a) immediately file with the secretary of state a certificate stating that the proposition was adopted and  
17 record the certificate in the office of the clerk and recorder of the county or counties in which the special district  
18 is situated; and

19 (b) notify any municipalities lying within the boundaries of the special district."  
20

21 **Section 19.** Section 7-13-2208, MCA, is amended to read:

22 **"7-13-2208. Decision on petition -- election required -- exception.** (1) On the final hearing provided  
23 for in 7-13-2206, the board of county commissioners shall make any changes in the proposed boundaries within  
24 the county that are considered advisable and shall define and establish the boundaries. The board of county  
25 commissioners may not modify the boundaries in a manner that would exclude from the proposed district any  
26 territory that would benefit from the formation of the district. Land that will not, in the judgment of the board of  
27 county commissioners, benefit from the district may not be included within the proposed district.

28 (2) Upon the final determination of the boundaries of the district, the board of county commissioners of  
29 each county in which the district lies shall give notice of an election to be held in the proposed district for the  
30 purpose of determining whether the district is to be incorporated. The election must be held in conjunction with

1 a regular or primary election, ~~or must~~ The election may be conducted by mail ballot election as provided in Title  
2 13, chapter 19.

3 (3) An election is not required if the petition for the creation of the district is signed by the owners of all  
4 of the real property in the proposed district. If an election is not held, upon the final determination of the  
5 boundaries of the district, the board of county commissioners of each county in which the district lies shall, by an  
6 order entered on its minutes, declare the territory enclosed within the proposed boundaries as an organized  
7 county water and/or sewer district. The county clerk and recorder shall forward a certified copy of the order to the  
8 secretary of state."

9

10 **Section 20.** Section 7-13-2323, MCA, is amended to read:

11 **"7-13-2323. Election on question of incurring bonded indebtedness.** (1) The board of directors shall  
12 fix a date upon which an election is held for the purpose of authorizing the bonded indebtedness to be incurred.  
13 Except as provided in subsection (2), the election must be conducted by mail ballot, as provided in Title 13,  
14 chapter 19, or must be held in conjunction with a regular or primary election.

15 (2) The board may order up to two special elections each year if:

16 (a) there are no bids within the amount of approved bonds; or

17 (b) there is an emergency; ;

18 ~~(c) a directive for a project is received from a government agency; or~~

19 ~~(d) it is necessary to take advantage of the construction season."~~

20

21 **Section 21.** Section 7-13-2341, MCA, is amended to read:

22 **"7-13-2341. Addition of land to district.** (1) Except as provided in subsection (5), any portion of any  
23 county or any municipality, or both, may be added to any district organized under the provisions of part 22 and  
24 this part at any time upon petition presented in the manner provided in part 22 and this part for the organization  
25 of the district.

26 (2) The petition may be granted by ordinance of the board of directors of the district. The ordinance must  
27 be submitted for adoption or rejection to the vote of the electors in the district and in the proposed addition at a  
28 general election, ~~at a special election that is conducted by mail ballot, as provided in Title 13, chapter 19,~~ or at  
29 a special election that is held in conjunction with a regular or primary election. The election may be held by mail  
30 ballot as provided in Title 13, chapter 19.

1 (3) If the ordinance is approved, the president and secretary of the board of directors shall certify that  
 2 fact to the secretary of state and to the county clerk and recorder of the county in which the district is located.  
 3 Upon the receipt of the certification, the secretary of state shall within 10 days issue a certificate that states the  
 4 passage of the ordinance and the addition of the territory to the district. A copy of the certificate must be  
 5 transmitted to and filed with the county clerk and recorder of the county in which the district is situated.

6 (4) After the filing of the certificate, the territory is added to and is a part of the district with all the rights,  
 7 privileges, and powers set forth in this part and necessarily incident to this part.

8 (5) If the board of directors determines that a district has a water facility or a sewer facility with a capacity  
 9 greater than required to meet the needs of the current district, it may by ordinance, upon petition of contiguous  
 10 property owners and with the written consent of all property owners to whom the service is to be extended,  
 11 expand the district to include land, to the extent of excess capacity, without complying with subsections (1) and  
 12 (2). However, if the board determines that an election should be held or if 40% or more of the members of the  
 13 district petition for an election, compliance with subsections (1) and (2) is required."  
 14

15 **Section 22.** Section 7-14-210, MCA, is amended to read:

16 **"7-14-210. Election on question of creating urban transportation district or addition to a district.**

17 (1) The commissioners, upon completion of the public hearing required by 7-14-207, shall proceed by resolution  
 18 to refer the creation of the district or addition to a district to the persons qualified to vote on the proposition.

19 (2) The commissioners may designate in their resolution whether a special election is to be held in  
 20 conjunction with a regular or primary election; or whether the matter is to be determined at the next general  
 21 election; ~~or~~ and whether the matter is to be determined by a mail ballot election held pursuant to the provisions  
 22 of Title 13, chapter 19. If a special election is ordered, the order must specify the date for the election, which must  
 23 be held in conjunction with a primary or general election, and the voting places and the commissioners shall  
 24 appoint and designate election judges and clerks."  
 25

26 **Section 23.** Section 13-1-101, MCA, is amended to read:

27 **"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following  
 28 definitions apply:

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

- 1           (2) "Active list" means a list of active electors maintained pursuant to 13-2-220.
- 2           (3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that  
3 is ordinarily not given away free but is purchased.
- 4           (4) "Application for voter registration" means a voter registration form prescribed by the secretary of state  
5 that is completed and signed by an elector, submitted to the election administrator, and contains voter registration  
6 information subject to verification as provided by law.
- 7           (5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an  
8 optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.
- 9           (6) "Candidate" means:
- 10          (a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or  
11 appointment as a candidate for public office as required by law;
- 12          (b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained  
13 contributions, made expenditures, or given consent to an individual, organization, political party, or committee  
14 to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination  
15 or election to any office at any time, whether or not the office for which the individual will seek nomination or  
16 election is known when the:
- 17          (i) solicitation is made;
- 18          (ii) contribution is received and retained; or
- 19          (iii) expenditure is made; or
- 20          (c) an officeholder who is the subject of a recall election.
- 21          (7) (a) "Contribution" means:
- 22          (i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value  
23 to influence an election;
- 24          (ii) a transfer of funds between political committees;
- 25          (iii) the payment by a person other than a candidate or political committee of compensation for the  
26 personal services of another person that are rendered to a candidate or political committee.
- 27          (b) "Contribution" does not mean:
- 28          (i) services provided without compensation by individuals volunteering a portion or all of their time on  
29 behalf of a candidate or political committee or meals and lodging provided by individuals in their private  
30 residences for a candidate or other individual;

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

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

5 (iv) filing fees paid by the candidate.

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

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

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

12 (11) "Emergency measure" means an election for the immediate preservation of the public peace,  
13 property, health, or safety or providing for the usual daily operation of a municipal department, in which the  
14 emergency is set forth and defined in a preamble to the emergency measure.

15 ~~(11)~~(12) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or  
16 gift of money or anything of value made for the purpose of influencing the results of an election.

17 (b) "Expenditure" does not mean:

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

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

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

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

25 ~~(12)~~(13) "Federal election" means a general or primary election in which an elector may vote for  
26 individuals for the office of president of the United States or for the United States congress.

27 ~~(13)~~(14) (a) "General election" or "regular election" means an election held for the election of public  
28 officers throughout the state at times specified by law, including elections for officers of political subdivisions when  
29 the time of the election is set on the same date for all similar political subdivisions in the state.

30 (b) For ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution

1 to be submitted by the legislature to the electors at a general election, "general election" means an election held  
 2 at the time provided in 13-1-104(1).

3 (c) For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted as  
 4 a constitutional initiative at a regular election, regular election means an election held at the time provided in  
 5 13-1-104(1).

6 (d) "Regular election" means for local government units the next regularly scheduled election, including,  
 7 as applicable, a school election as described in 20-20-105, a general election as described in 13-1-104, or a  
 8 primary election as described in 13-1-107.

9 ~~(14)~~(15) "Inactive elector" means an individual who failed to respond to confirmation notices and whose  
 10 name was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

11 ~~(15)~~(16) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

12 ~~(16)~~(17) "Individual" means a human being.

13 ~~(17)~~(18) (a) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their  
 14 approval or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall  
 15 questions, school levy questions, bond issue questions, or a ballot question.

16 (b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the  
 17 proper official that the legal procedure necessary for its qualification and placement upon the ballot has been  
 18 completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the  
 19 secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

20 ~~(18)~~(19) "Legally registered elector" means an individual whose application for voter registration was  
 21 accepted, processed, and verified as provided by law.

22 ~~(19)~~(20) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing  
 23 ballots to all active electors.

24 ~~(20)~~(21) "Person" means an individual, corporation, association, firm, partnership, cooperative,  
 25 committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (6).

26 ~~(21)~~(22) "Place of deposit" means a location designated by the election administrator pursuant to  
 27 13-19-307 for a mail ballot election conducted under Title 13, chapter 19.

28 ~~(22)~~(23) "Political committee" means a combination of two or more individuals or a person other than an  
 29 individual who makes a contribution or expenditure:

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

1 petition for nomination; or

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

3 (c) as an earmarked contribution.

4 ~~(23)~~(24) "Political subdivision" means a county, consolidated municipal-county government, municipality,  
5 special district, or any other unit of government, except school districts, having authority to hold an election for  
6 officers or on a ballot issue.

7 ~~(24)~~(25) "Polling place election" means an election primarily conducted at polling places rather than by  
8 mail under the provisions of Title 13, chapter 19.

9 ~~(25)~~(26) "Primary" or "primary election" means an election held throughout the state to nominate  
10 candidates for public office at times specified by law, including nominations of candidates for offices of political  
11 subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state.

12 ~~(26)~~(27) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not  
13 been verified as provided by law.

14 ~~(27)~~(28) "Provisionally registered elector" means an individual whose application for voter registration  
15 was accepted but whose identity or eligibility has not yet been verified as provided by law.

16 ~~(28)~~(29) "Public office" means a state, county, municipal, school, or other district office that is filled by  
17 the people at an election.

18 ~~(29)~~(30) "Random-sample audit" means an audit involving a manual count of ballots from designated  
19 races and ballot issues in precincts selected through a random process as provided in 13-17-503.

20 ~~(30)~~(31) "Registrar" means the county election administrator and any regularly appointed deputy or  
21 assistant election administrator.

22 ~~(31)~~(32) "Special election" means an election ~~other than a statutorily scheduled primary or general~~  
23 ~~election held at any time for any purpose~~ provided by law held for any purpose not described in 13-1-104 or  
24 13-1-107. It may A special election must be held in conjunction with a statutorily scheduled regular, primary, or  
25 general election unless it is a special election for an emergency measure.

26 ~~(32)~~(33) "Statewide voter registration list" means the voter registration list established and maintained  
27 pursuant to 13-2-107 and 13-2-108.

28 ~~(33)~~(34) "Transfer form" means a form prescribed by the secretary of state that may be filled out by an  
29 elector to transfer the elector's registration when the elector's residence address has changed within the county.

30 ~~(34)~~(35) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided

1 in 13-15-206.

2 ~~(35)~~(36) "Voted ballot" means a ballot that is:

3 (a) deposited in the ballot box at a polling place;

4 (b) received at the election administrator's office; or

5 (c) returned to a place of deposit.

6 ~~(36)~~(37) "Voting system" or "system" means any machine, device, technology, or equipment used to  
7 automatically record, tabulate, or process the vote of an elector cast on a paper ballot."  
8

9 **Section 24.** Section 13-1-104, MCA, is amended to read:

10 **"13-1-104. Times for holding general elections.** (1) (a) Except as provided in subsection (1)(b), a  
11 general election must be held throughout the state in every even-numbered year on the first Tuesday after the  
12 first Monday of November to vote on ballot issues required by Article III, section 6, or Article XIV, section 8, of the  
13 Montana constitution to be submitted by the legislature to the electors at a general election and to elect federal  
14 officers, state or multicounty district officers, members of the legislature, judges of the district court, and county  
15 officers when the terms of the offices will expire before the next scheduled election for the offices or when one  
16 of the offices must be filled for an unexpired term as provided by law.

17 (b) A special election may be held on an earlier date provided in a law authorizing a special statewide  
18 election on an initiative or referendum pursuant to Article III, section 6, of the Montana constitution.

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

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

27 (4) The general election for a municipality required to hold elections annually may be held either on  
28 school election day, as provided in subsection (3), or on the first Tuesday after the first Monday in November,  
29 at the discretion of the governing body."  
30

1           **Section 25.** Section 13-1-107, MCA, is amended to read:

2           **"13-1-107. Times for holding primary elections.** (1) On the first Tuesday after the first Monday in June  
3 preceding the general election provided for in 13-1-104(1), a primary election ~~shall~~ must be held throughout the  
4 state.

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

7           (3) If the general election for a municipality required to hold annual elections is held in November, as  
8 provided in 13-1-104(4), a primary election, if required, ~~shall~~ must be held on ~~the Tuesday following the second~~  
9 Monday in September the first Tuesday after the first Monday in June preceding the general election. In an  
10 even-numbered year, the cost of this election must be paid by the municipality."  
11

12           **Section 26.** Section 13-1-401, MCA, is amended to read:

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

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

21           ~~(3)~~(2) A political subdivision election subject to 13-1-104(3) may be conducted by mail ballot as provided  
22 in Title 13, chapter 19.

23           ~~(4)~~(3) The election administrator or deputy election administrator conducting an election under the  
24 provisions of subsection (1); or (2); ~~or (3)~~ shall give notice of the election not less than 20 days or more than 40  
25 days before the day of the election by ~~display~~ advertisement at least two times in a newspaper of general  
26 circulation within the political subdivision. The election administrator or deputy election administrator may notify  
27 the public of the election by additional posting of notices or radio and television announcements."  
28

29           **Section 27.** Section 13-3-202, MCA, is amended to read:

30           **"13-3-202. Definitions.** As used in this part, unless the context indicates otherwise, the following

1 definitions apply:

2 (1) "Accessible" means accessible to individuals with disabilities and elderly individuals for purposes of  
3 voting as determined in accordance with standards established by the secretary of state under 13-3-205.

4 (2) "Disability" means a temporary or permanent physical impairment such as:

5 (a) impaired vision;

6 (b) impaired hearing; or

7 (c) impaired mobility. Individuals having impaired mobility include those who require use of a wheelchair  
8 and those who are ambulatory but are physically impaired because of age, disability, or disease.

9 (3) "Elderly" means 65 years of age or older.

10 (4) "Election" means a general, ~~special~~, or primary election held in an even-numbered year, as provided  
11 for in 13-1-104(1) and 13-1-107(1), or a special election as defined in 13-1-101.

12 (5) "Inaccessible" means not accessible under standards adopted pursuant to 13-3-205.

13 (6) "Rural polling place" means a location that is expected to serve less than 200 registered electors."  
14

15 **Section 28.** Section 15-10-425, MCA, is amended to read:

16 **"15-10-425. Mill levy election.** (1) A county, consolidated government, incorporated city, incorporated  
17 town, school district, or other taxing entity may impose a new mill levy, increase a mill levy that is required to be  
18 submitted to the electors, or exceed the mill levy limit provided for in 15-10-420 by conducting an election as  
19 provided in this section.

20 (2) An election conducted pursuant to this section may be held in conjunction with a regular or primary  
21 election ~~or may be a special election~~ in accordance with Title 13, chapter 1. The governing body shall pass a  
22 resolution, shall amend its self-governing charter, or must receive a petition indicating an intent to impose a new  
23 levy, increase a mill levy, or exceed the current statutory mill levy provided for in 15-10-420 on the approval of  
24 a majority of the qualified electors voting in the election. The resolution, charter amendment, or petition must  
25 include:

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

27 (b) either:

28 (i) the specific amount of money to be raised and the approximate number of mills to be imposed; or

29 (ii) the specific number of mills to be imposed and the approximate amount of money to be raised; and

30 (c) whether the levy is permanent or the durational limit on the levy.

1 (3) Notice of the election must be prepared by the governing body and given as provided by law. The  
 2 form of the ballot must reflect the content of the resolution or charter amendment and must include a statement  
 3 of the impact of the election on a home valued at \$100,000 and a home valued at \$200,000 in the district in terms  
 4 of actual dollars in additional property taxes that would be imposed on residences with those values if the mill levy  
 5 were to pass. The ballot may also include a statement of the impact of the election on homes of any other value  
 6 in the district, if appropriate.

7 (4) If the majority voting on the question are in favor of the additional levy, the governing body is  
 8 authorized to impose the levy in either the amount or the number of mills specified in the resolution or charter  
 9 amendment.

10 (5) A governing body, as defined in 7-6-4002, may reduce an approved levy in any fiscal year without  
 11 losing the authority to impose in a subsequent fiscal year up to the maximum amount or number of mills approved  
 12 in the election. However, nothing in this subsection authorizes a governing body to impose more than the  
 13 approved levy in any fiscal year or to extend the duration of the approved levy."  
 14

15 **Section 29.** Section 20-3-301, MCA, is amended to read:

16 "**20-3-301. Election and term of office.** (1) Every trustee position prescribed by this title ~~shall be~~ is  
 17 subject to election, and the term of office for each position ~~shall be~~ are 3 years unless ~~it is~~ otherwise specifically  
 18 prescribed by this title.

19 (2) The trustees ~~shall be composed of~~ must include the number of trustee positions prescribed for a  
 20 district by 20-3-341 and 20-3-351. When exercising the power and performing the duties of trustees, the members  
 21 shall act collectively and only at a regular or a properly called special meeting.

22 (3) The number of trustee positions in a district ~~shall~~ may vary in accordance with 20-3-341 and 20-3-351  
 23 according to the type of district.

24 (4) Trustee elections are held in accordance school elections provided in chapter 20 of this title.  
 25

26 **Section 30.** Section 20-9-428, MCA, is amended to read:

27 "**20-9-428. Determination of approval or rejection of proposition at bond election.** (1) Except in the  
 28 case of an emergency, a bond election must be held at a regularly scheduled school election. The election may  
 29 be held by mail ballot as provided in Title 13, chapter 19.

30 (2) If the school district bond election is held at a regularly scheduled election, the determination of the

1 approval or rejection of the bond proposition is made by a majority of the votes cast on the issue.

2 ~~(1)(3)~~ In case of an election on an emergency measure, as defined in 13-1-101, held on a day other than  
 3 a regular school election, ~~When when~~ the trustees canvass the vote of a school district bond election under the  
 4 provisions of 20-20-415, they shall determine the approval or rejection of the school bond proposition in the  
 5 following manner:

6 (a) If the school district bond election is held at a regular school election or at a special election called  
 7 by the trustees, the trustees shall:

8 (i) determine the total number of electors of the school district who are qualified to vote under the  
 9 provisions of 20-20-301 from the list of electors supplied by the county registrar for the school bond election;

10 (ii) determine the total number of qualified electors voting at the school bond election from the tally sheets  
 11 for the election; and

12 (iii) calculate the percentage of qualified electors voting at the school bond election by dividing the amount  
 13 determined in subsection (1)(a)(ii) by the amount determined in subsection (1)(a)(i).

14 (b) When the calculated percentage in subsection (1)(a)(iii) is:

15 (i) 40% or more, the school bond proposition is approved and adopted if a majority of the votes were cast  
 16 in favor of the proposition, otherwise it is rejected;

17 (ii) more than 30% but less than 40%, the school bond proposition is approved and adopted if 60% or  
 18 more of the votes were cast in favor of the proposition, otherwise it is rejected; or

19 (iii) 30% or less, the school bond proposition is rejected.

20 ~~(c) If the school district bond election is held at a general election, at an election that is conducted by mail~~  
 21 ~~ballot, as provided in Title 13, chapter 19, or at a special election that is held in conjunction with a regular or~~  
 22 ~~primary election, the determination of the approval or rejection of the bond proposition is made by a majority of~~  
 23 ~~the votes cast on the issue.~~

24 ~~(2)(4)~~ If the canvass of the vote establishes the approval and adoption of the school bond proposition,  
 25 the trustees shall issue a certificate proclaiming the passage of the proposition and the authorization to issue  
 26 bonds of the school district for the purposes specified on the ballot for the school district bond election."  
 27

28 **Section 31.** Section 20-9-471, MCA, is amended to read:

29 **"20-9-471. Issuance of obligations -- authorization -- conditions.** (1) The trustees of a school district  
 30 may, without a vote of the electors of the district, issue and sell to the board of investments obligations for the

1 purpose of financing all or a portion of:

2 (a) the costs of vehicles and equipment;

3 (b) the costs associated with renovating, rehabilitating, and remodeling facilities, including but not limited  
4 to roof repairs, heating, plumbing, and electrical systems;

5 (c) any other expenditure that the district is otherwise authorized to make, subject to subsection (4),  
6 including the payment of settlements of legal claims and judgments; and

7 (d) the costs associated with the issuance and sale of the obligations.

8 (2) The term of the obligation, including an obligation for a qualified energy project, may not exceed 10  
9 fiscal years. For the purposes of this subsection, a "qualified energy project" means a project designed to reduce  
10 energy use in a school facility and from which the resulting energy cost savings are projected to meet or exceed  
11 the debt service obligation for financing the project, as determined by the department of environmental quality.

12 (3) At the time of issuing the obligation, there must exist an amount in the budget for the current fiscal  
13 year available and sufficient to make the debt service payment on the obligation coming due in the current year.  
14 The budget for each following year in which any portion of the principal of and interest on the obligation is due  
15 must provide for payment of that principal and interest.

16 (4) Except as provided in 20-9-502 and 20-9-503, the proceeds of the obligation may not be used to  
17 acquire real property or construct a facility unless:

18 (a) the acquisition or construction project does not constitute more than 20% of the square footage of  
19 the existing real property improvements made to a facility containing classrooms;

20 (b) the 20% square footage limitation may not be exceeded within any 5-year period; and

21 (c) the electors of the district approve a proposition authorizing the trustees to apply for funds through  
22 the board of investments for the construction project. The proposition must be approved at a ~~special~~ or regular  
23 school election in accordance with all of the requirements of 20-9-428, except that the proposition is considered  
24 to have passed if a majority of the qualified electors voting approve the proposition.

25 (5) An obligation issued is payable from any legally available fund of the district and constitutes a general  
26 obligation of the district.

27 (6) The obligation may bear interest at a fixed or variable rate and may be sold to the board of  
28 investments at par, at a discount, or with a premium and upon any other terms and conditions that the trustees  
29 determine to be in the best interests of the district.

30 (7) The principal amount of the obligation, when added to the outstanding bonded indebtedness of the

1 district, may not exceed the debt limitation established in 20-9-406."

2

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

4 **"20-20-105. Regular school election day and special school elections -- limitation -- exception.**

5 (1) Except as provided in subsection (4), the first Tuesday after the first Monday of May of each year is the regular  
6 school election day. Except as provided in subsections (3) and (4), a proposition requesting additional funding  
7 under 20-9-353 may be submitted to the electors only once each calendar year on the regular school election  
8 day.

9 (2) Subject to the provisions of subsection (1), special school elections may be conducted only at times  
10 determined by the trustees pursuant to subsection (3) or (4).

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

14 (4) In years when the legislature meets in regular session or in a special session that affects school  
15 funding, the trustees may order the election ~~on a date other than the regular school election day~~ in conjunction  
16 with a primary election in accordance with 13-1-107 in order for the electors to consider a proposition requesting  
17 additional funding under 20-9-353 or on any other day for an election on an emergency measure."

18

19 **Section 33.** Section 22-1-304, MCA, is amended to read:

20 **"22-1-304. Tax levy -- special library fund -- bonds.** (1) Subject to 15-10-420, the governing body of  
21 a city or county that has established a public library may levy in the same manner and at the same time as other  
22 taxes are levied a tax in the amount necessary to maintain adequate public library service.

23 (2) (a) The governing body of a city or county may by resolution submit the question of imposing a tax  
24 levy to a vote of the qualified electors at an election as provided in 15-10-425. The resolution must be adopted  
25 at least 75 days prior to the election at which the question will be voted on.

26 (b) Upon a petition being filed with the governing body and signed by not less than 5% of the resident  
27 taxpayers of any city or county requesting an election for the purpose of imposing a mill levy, the governing body  
28 shall submit to a vote of the qualified electors at the next regularly scheduled election ~~or at a special election~~; as  
29 provided in 15-10-425, the question of imposing the mill levy. The petition must be delivered to the governing  
30 body at least 90 days prior to the election at which the question will be voted on.

1 (3) The proceeds of the tax constitute a separate fund called the public library fund and may not be used  
2 for any purpose except those of the public library.

3 (4) Money may not be paid out of the public library fund by the treasurer of the city or county except by  
4 order or warrant of the board of library trustees.

5 (5) Bonds may be issued by the governing body in the manner prescribed by law for the following  
6 purposes:

7 (a) building, altering, repairing, furnishing, or equipping a public library or purchasing land for the library;

8 (b) buying a bookmobile or bookmobiles; and

9 (c) funding a judgment against the library."  
10

11 **Section 34.** Section 22-1-702, MCA, is amended to read:

12 **"22-1-702. Creation or enlargement of public library district.** (1) Proceedings for the creation or  
13 enlargement of a public library district or the conversion of a public library to a public library district may be  
14 initiated by:

15 (a) a petition signed by not less than 15% of the qualified electors who reside within the proposed district  
16 or the area to be added to an existing district; or

17 (b) a resolution of intent adopted by the county governing body, calling for the creation of a district.

18 (2) The petition must contain:

19 (a) the boundaries of the proposed public library district;

20 (b) a map showing the boundaries;

21 (c) subject to 15-10-420, the proposed maximum property tax mill levy that could be levied on property  
22 owners within the district for the operation of the district; and

23 (d) the proposed number of members on the board of trustees. The number of members must be five  
24 or seven.

25 (3) When the territory to be included in the proposed public library district lies in more than one county,  
26 a petition must be presented to the governing body of each county in which the territory lies. Each petition must  
27 be signed by not less than 15% of the qualified electors of the territory within the county proposed for inclusion  
28 in the district.

29 (4) Upon receipt of a petition to create a public library district, the county clerk shall examine the petition  
30 and within 15 days either reject the petition if it is insufficient under the provisions of subsection (1), (2), or (3) or

1 certify that the petition is sufficient and present it to the county governing body at its next meeting.

2 (5) The text of the petition must be published as provided in 7-1-2121 in each county in which territory  
3 of the proposed public library district lies.

4 (6) At a hearing on the proposed public library district, the county governing body shall hear testimony:

5 (a) of all interested persons on whether a district should be created;

6 (b) regarding the proposed boundary, the property tax mill levy, and the number of members of the board  
7 of trustees; and

8 (c) on any other matter relating to the petition.

9 (7) After the hearing, if the county governing body determines that the proposed public library district  
10 should be created, it shall by resolution:

11 (a) set the boundaries of the proposed district;

12 (b) set the maximum mill levy for the proposed district;

13 (c) set the number of members to be on the board of trustees; and

14 (d) call for an election on the question of whether to create the district. The election ~~may be:~~ must be

15 ~~(i) held in conjunction with a regular or primary election, or~~

16 ~~(ii)(8) The election may be conducted by mail ballot in accordance with the provisions of as provided in~~  
17 Title 13, chapter 19."

18

19 **Section 35.** Section 76-15-606, MCA, is amended to read:

20 "**76-15-606. Election procedure.** (1) The election on whether to establish a project area must be held  
21 in conjunction with a regularly held election in accordance with Title 13, chapter 1. The election may be held by  
22 mail ballot as provided in Title 13, chapter 19.

23 ~~(4)(2)~~ The question must be submitted to the electors by ballot on which the words "For creation of  
24 proposed project area" and "Against creation of proposed project area" must appear, with a square before each  
25 proposition and directions to insert an "X" mark in the square before one or the other of the propositions as the  
26 voter may favor or oppose creation of the project area.

27 ~~(2)(3)~~ A person is not entitled to vote at the election unless the person possesses all the qualifications  
28 required of electors under Title 13 and resides within the boundaries of the proposed project area and the county  
29 in which the person proposes to vote."

30

1           **Section 36.** Section 85-7-1702, MCA, is amended to read:

2           **"85-7-1702. Election or appointment of commissioners -- term of office.** (1) The regular election for  
3 commissioners in each district must be held annually in accordance with 13-1-104 and 13-1-401.

4           (2) Candidates for the office of commissioner may be nominated by petition filed with the election  
5 administrator or deputy election administrator at least 75 days before the election and signed by at least five  
6 electors of the district. If no nominations are made, ~~the following procedures must be followed:~~

7           ~~(a) For~~ for elections held in accordance with 13-1-401(1), the electors of the district shall write on the  
8 ballots the name of the person or persons for whom they desire to vote.

9           ~~(b) For elections held in accordance with 13-1-401(2), the electors of the district may either accept~~  
10 ~~nominations from the floor or write on the ballots the name of the person or persons for whom they desire to vote.~~

11           (3) If the number of candidates is equal to or less than the number of positions to be elected, the election  
12 administrator may cancel the election in accordance with 13-1-304. If an election is not held, the county governing  
13 body shall declare elected by acclamation the candidate who filed a nominating petition for the position. If no  
14 candidate filed a nominating petition for the position, the board of commissioners shall make an appointment to  
15 fill the position and the term is the same as if the commissioner were elected.

16           (4) Within 40 days following their election, the commissioners shall meet and organize as a board by  
17 electing a president from their number and a secretary, who may or may not be a commissioner, and who shall  
18 each hold office at the pleasure of the board. The term of office of each commissioner begins on the date of the  
19 organizational meeting after the regular election and continues for 3 years and until the election and qualification  
20 of a successor.

21           (5) Commissioners are elected by the electors of the entire district."  
22

23           **Section 37.** Section 85-8-624, MCA, is amended to read:

24           **"85-8-624. Assessments on improvements -- taxpayers' approval, limitations, and election**  
25 **procedures.** (1) A vote of the persons on the assessment rolls in any existing district is required to make Chapter  
26 409, Laws of 1973, applicable to a district.

27           (2) Chapter 409, Laws of 1973, does not confer upon districts created for drainage purposes only the  
28 authority to levy assessments on benefits to improvements.

29           (3) The election provided for by subsection (1) must be governed by the following rules:

30           (a) Notice of the election must be as provided in 13-1-401~~(4)~~(3).

1 (b) The manner of conducting the election must be as provided in 13-1-401 and as nearly as practicable  
 2 in accordance with the provisions of the general election laws of the state in Title 13, except that registration may  
 3 not be required.

4 (c) The qualifications of electors must be as provided in 85-8-305, except that, in addition to persons  
 5 holding title or evidence of title to lands within the district, any person, as provided in 85-8-305, who does not own  
 6 land within the district but has been assessed or will have the person's improvements assessed under Chapter  
 7 409, Laws of 1973, or who will be assessed for benefits received is entitled to one vote. Commissioners shall  
 8 prepare a list of persons, and the election administrator or deputy election administrator shall give them notice  
 9 as provided in 13-1-401~~(4)~~(3).

10 (d) The commissioners of any district in existence prior to March 21, 1973, who wish to hold an election  
 11 to determine if the district is governed by Chapter 409, Laws of 1973, shall at any regular or special meeting  
 12 adopt a resolution calling for an election to determine whether or not the voters of the district wish to be governed  
 13 by Chapter 409, Laws of 1973. The resolution must contain a short summary of the changes made by Chapter  
 14 409, Laws of 1973, and the summary must be included in the notice provided for by 13-1-401~~(4)~~(3). In addition,  
 15 the commission shall provide copies of Chapter 409, Laws of 1973, to any person interested in obtaining a copy,  
 16 and the notice to the persons in the district calling the election must describe where and how copies may be  
 17 obtained. The commissioners may authorize a reasonable charge for providing copies, not to exceed 20 cents  
 18 a page.

19 (e) The ballot must include the summary as provided for in subsection (3)(d), and the form of the ballot  
 20 must conform as closely as possible to that provided for in Title 13, chapter 27.

21 (f) A simple majority of those who cast valid ballots determines the outcome of the election."  
 22

23 **NEW SECTION. Section 38. Notification to tribal governments.** The secretary of state shall send  
 24 a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell  
 25 Chippewa tribe.  
 26

27 **NEW SECTION. Section 39. Saving clause.** [This act] does not affect rights and duties that matured,  
 28 penalties that were incurred, or proceedings that were begun before [the effective date of this act].  
 29

- END -