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HB 140 Election Dates

Montana Secretary of State Linda McCulloch

Elections and Government Services

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EXHIBIT NO. 3
DATE 1.21.2013
BILL NO. SB 140

Election	Activity	Current Deadline	Proposed Deadline	Date Under Current Law	Proposed Date (HB 140 Applies to Elections Starting in 2014)	Applicable Section of HB 140 or Current Law
School Elections (Annual)	Even-Year Election Candidate Filing Opens	135 days before May Election	145 days before May election	**December 22, 2013**	***December 12, 2013***	13-10-201(6)(b), MCA
	Even-Year Election Candidate Filing Closes	40 days before May Election	85 days before May election	**March 27, 2014**	***February 10, 2014***	Section 10: 20-3-305(3), MCA
	Odd-Year Election Candidate Filing Opens	135 days before May Election	No Change	**December 21, 2014**	***December 21, 2014***	13-10-201(6)(a), MCA
	Odd-Year Election Candidate Filing Closes	40 days before May Election	85 days before May election	**March 26, 2015**	***February 9, 2015***	Section 10: 20-3-305(3), MCA
	Trustees Call for Election	40 days before May Election	90 days before May Election	**March 27, 2014**	***February 5, 2014***	Section 17: 20-20-201(1), MCA
	Certification of List of Candidates; Trustees Declare Election by Acclamation if Applicable	25 days before May Election	70 days before May Election	**April 11, 2014**	***February 25, 2014***	Section 11: 20-3-313(1), MCA
	Even-Year School Election Date	First Tuesday after the first Monday in May	No Change to School Election Day	**May 6, 2014**	***May 6, 2014***	20-20-105(1), MCA
	Odd-Year School Election Date	First Tuesday after the first Monday in May	No Change to School Election Day	**May 5, 2015**	***May 5, 2015***	20-20-105(1), MCA
Municipal Primary Elections (Odd Years)	Candidate Filing Opens	135 days before September Election	135 days before May Election	**May 3, 2015**	***December 21, 2014***	13-10-201(6)(a), MCA
	Candidate Filing Closes	75 days before September Election	75 days before May election	**July 2, 2015**	***February 19, 2015***	13-10-201(6)(a), MCA
	Municipal Primary Election Date	First Tuesday after the second Monday in September	1st Tuesday after the first Monday in May	**September 15, 2015**	***May 5, 2015***	Section 3: 13-1-107(2), MCA
Federal Primary Elections (Even Years)	Candidate Filing Opens	145 days before June Election	145 days before May election	**January 9, 2014**	***December 12, 2013***	13-10-201(6)(b), MCA
	Candidate Filing Closes	85 days before June Election	85 days before May election	**March 10, 2014**	***February 10, 2014***	13-10-201(6)(b), MCA
	Federal Primary Date	First Tuesday after the first Monday in June	1st Tuesday after the first Monday in May	**June 3, 2014**	***May 6, 2014***	Section 3: 13-1-107(1), MCA

SB 140: Combine School and Primary Election Dates
Senator Art Wittich
Senate Local Government, RM 405
January 21, 2013 @ 3 p.m.
Elections Deputy Lisa Kimmet's Testimony

- Good afternoon Chairman Buttrey, members of the committee. For the record, I am Lisa Kimmet, Elections and Government Services Deputy for Secretary of State Linda McCulloch.
- The Secretary of State respectfully opposes Senate Bill 140.
    - As chief election official for the State of Montana, the Secretary of State is concerned about the potential for voter confusion resulting from the possibility for school elections being held by mail ballot every odd year, and by poll every even year.
        - Because a federal primary may not be conducted by mail ballot, when the school election is held with the primary each even year, the election would be a poll election.
        - Because both school elections and municipal elections can be held by mail ballot, every odd year there would be an option to hold the election by mail ballot.
        - This could cause confusion among voters not realizing they would not be automatically mailed a ballot for the even year school election.
        - Adding to voter confusion is the time period for mailing absentee ballots versus the time period for mailing mail ballots. Mail ballots for the odd year elections being held by mail would be sent out 15-25 days before election day. Absentee ballots for the even year elections would be sent out 45 days before election day for voters covered under the Uniformed and Overseas Citizen Absentee Voting Act and 30 days before election day for those on the annual absentee list.
- In addition to voter confusion concerns, we have the following concerns:
    - School districts frequently do not hold the regularly scheduled May trustee election due to not enough candidates filing. Trustee positions are filled by acclamation.
        - The municipal primary and federal primary would be moved to May even though no school election is conducted.
    - County election administrators and the SOS election office finish up post-election work usually by late November, unless there is a recount. (The potential recount in 2012 would have been held sometime around the second week in December.)
        - A May municipal primary and a May federal primary would mean that candidate filing would open in December. For the 2014 primary, candidate filing would open December 12, 2013.

        - This gives very little time for both this office and the local offices to prepare for candidate filing, and the November election would essentially run right into the primary for the next election.
        - This would also mean that the campaign season starts in December, rather than in January.
    - Ballots for Federal primary elections are printed by precint, with candidate names rotated. Ballots for school district elections are printed by district, and are not subject to candidate name rotation.
        - This adds another layer of complexity to an already complex ballot layout and printing process.
        - It also adds a layer of complexity for poll workers to determine the correct district, precinct and split for voters.
- The biggest issue with Senate Bill 140 is the issue of mailing ballots for Federal elections to absent military voters. Under Federal and State law, ballots must be mailed to these voters no later than 45 days before election day. This deadline is closely monitored by the U.S. Department of Justice, and our office must certify to the US DOJ that each county has complied with the deadline.
    - In order to meet this deadline, counties must complete ballot layout work the day after the ballot certification deadline (75 days before the election).
    - If a school district has until 70 days before the election to cancel their election, it would jeopardize a county's ability to meet the 45-day mailing deadline.
    - Additionally, candidates for a school election can withdraw up to 38 days before election day. This would be 17 days after ballots are to be mailed to UOCAVA voters, and 8 days before ballots are mailed to voters on the absentee list.

We have tried to outline some of the procedural problems with the complexity of combining different types of elections. For the reasons outlined, we ask that you vote no on Senate Bill 140.