

Substantive Changes to Election Law in HB 84

Definition Changes

<p>General Election - means an election that is held for offices that first appear on a primary election ballot, unless the primary is canceled as authorized by law, and that is held on the first Tuesday after the first Monday in November.</p>	<p>"General election" or "regular election" means an election held for the election of public officers throughout the state at times specified by law, including elections for officers of political subdivisions when the time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election, "general election" means an election held at the time provided in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted as a constitutional initiative at a regular election, regular election means an election held at the time provided in 13-1-104(1)</p>
<p>Primary Election - An election held on the first Tuesday after the first Monday in June to nominate candidates for offices filled at a general election</p>	<p>"Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state</p>
<p>Regular School Election - means the school trustee election on the first Tuesday after the first Monday in May</p>	<p>"As used in this title, unless the context clearly indicates otherwise, "school election" means any election conducted by a district or community college district for the purpose of electing trustees, for authorizing taxation, for authorizing the issuance of bonds by an elementary district or a high school district, or for accepting or rejecting any proposition that may be presented to the electorate for decision in accordance with the provisions of this title."</p>
<p>Special Election - An election held on a day other than the day specified for primary election, general election, or regular school election</p>	<p><i>Under current law, a special election can be held on a primary or general election day, which is confusing when the election involves special purpose district officers who are not elected through a primary and general election process. Also, a "special purpose district" definition encompasses all types of special districts, and not just those "special districts" as defined 7-11-1002, which relate to certain aspects of governance structure, but does not suffice for the purposes of elections.</i></p>
<p>Special Purpose District - An area with special boundaries created as authorized by law for a specialized and limited purpose.</p>	<p>"Special district" means a unit of local government, other than a city, town, or county, authorized by law to perform a single function or a limited number of functions, including but not limited to water districts, irrigation districts, fire districts, fire service areas, school districts, community college districts, hospital districts, sewer districts, and transportation districts.</p>

Mail Ballot Election - Any election that is conducted under Title 13, chapter 19, by mailing ballots to all active electors.

There was a lot of confusion in this statute because at some points it mentioned 'mail ballot elections' in terms of elections where everyone was mailed a ballot (polling or mail election) and at time referred to it as a date (general or mail election).

Election Days

Election Type	Election Day	Previously was...
<p><u>Special Districts</u> (Local port Authority, Fire Districts, hospital elections, service region - community colleges, conservation districts, county water and/or sewer districts, irrigation districts, resort districts, regional resource authority, conservancy districts- organization/dissolution, drainage district, Water conservation and flood control boundary change, library district dissolution, hospital districts, urban transportation district, Municipal sewage and/or water district board, county water and/or sewer district addition of land election, business improvement districts, create a special district)</p>	<p>School Election Day</p>	<p><u>Examples</u> Fire: primary or general Hospital: primary or general Service Region: general election County water and/or sewer districts: primary or general Irrigation: primary or general Resort: primary or general RRA: primary or general Conservancy: primary or general WC/FC Boundary: primary or general</p>
<p>Conservation districts</p>	<p>Primary or General Election Day</p>	<p>Current</p>
<p><u>Funding Elections:</u> Drainage district assessments, conservatory districts bonds or contracts, library district bond, mill levy election, Single assessment for county fair activities, county parks, and certain cultural, social, and recreational facilities, port authority, railway authorities, Vote required on proposed capital improvements, drainage districts assessments</p>	<p>School Election Day or Special Election Date</p>	<p>Primary or general or just general</p>

Notice of Elections

Type of Election	Notice Requirements	Previously was...
Multi-Municipality Government Election	At least three times no earlier than 40 days and no later than 10 days before the election <i>(Retains requirement to post notice in 6 public places)</i>	30 days in a newspaper published within the proposed municipal district or, if a newspaper is not published in the proposed district
Resort Districts	At least three times no earlier than 40 days and no later than 10 days before the election	The notice must be published twice, with at least 6 days separating publications. The first publication must be no more than 30 days prior to the election and the last no less than 3 days prior to the election
County Bonds	At least three times no earlier than 40 days and no later than 10 days before the election <i>(Retains requirements that notice include the amount and purpose of the bond and other details)</i>	Required special notice depending on election: Whether the election is held at the general election, at an election that is conducted by mail ballot, as provided in Title 13, chapter 19, or at a special election that is held in conjunction with a regular or primary election, separate notice of the election must be given
Municipal Bonds	At least three times no earlier than 40 days and no later than 10 days before the election. <i>(Strikes discretionary language about posting notice in each precinct at least 10 days prior to election, which is unnecessary language because nothing would prohibit this.)</i>	Required special notice depending on election
County Sewer and Water Districts (Election on Board member salaries)	At least three times no earlier than 40 days and no later than 10 days before the election (If full election and not at annual meeting)	"Notice of the vote on the proposed monthly salary for the members of the board of directors must be provided to the members of the district"
School districts	At least three times no earlier than 40 days and no later than 10 days before the election (continues to require posting in public places)	At least three times no earlier than 30 days and no later than 20 days before the election
Community College organization Election	At least three times no earlier than 40 days and no later than 10 days before the election (continues to require posting in public places)	By publication in at least one newspaper of general circulation in each county or any portion of a county included in the proposed community college district, once a week for 3 consecutive weeks, the last insertion to be no more than 1 week prior to the date of the election
Drainage district	At least three times no earlier than 40 days and no later than 10 days before the election	Broadcast or published three times in the four weeks leading to the election in a newspaper of general circulation or broadcast
Conservation Districts	At least three times no earlier than 40 days and no later than 10 days before the election	One per week for three consecutive weeks

Cancellation of a School Election	Requires trustees to give notice of a canceled election and election by acclamation no later than 30 days before the election	No later than 25 days before the election
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Calling an Election

Election Type	Calling an Election Deadline	Previously was...
General election	85 days prior	Current
Primary election	85 days prior	Current
Local funding election	85 days prior	Prior to Notice and Ballot Certification
Municipal Elections	85 days prior	75 days prior
Election on question of creating new county	85 days prior	60 days prior
Election to change the boundaries of county lines	85 days prior	75 days prior
Annexation Election	85 days prior	45 day prior
Vote required on proposed capital improvements	85 days prior	Prior to Notice and Ballot Certification
Election on alteration of form of government.	85 days prior	75 days prior
Election of study commission members	85 days prior	75 days prior
County water and/or sewer districts	85 days prior	70 days prior
Election after a previous election has been voided or called off	85 days prior	75 days prior
Irrigation districts	85 days prior	Prior to Notice and Ballot Certification
Library District Tax Levy	85 days prior	75 days prior
Community College	85 days prior	60 days
School Elections	70 days prior	40 days

Candidate Filing Deadlines

Election Type	Filing Deadline	No Withdrawal After	Write-In Deadline	Previously was...
Special District (resort districts, water, sewer)	145 days to 85 days	85 days before	30 days before	<u>Examples</u> Fire district: 75 days

districts, local port authority, fire district board, hospital districts, library districts, conservation district, drainage districts)				Hospital Districts: 75 days Conservation district: 30 days after district is organized.
City/ County Elections	145 days to 85 days	85 days before	30 days before	135 days to 85 days
Non-Federal Primaries	145 days to 85 days	85 days before	30 days before	135 days to 85 days
Federal Primaries	145 days to 85 days	85 days before	30 days before	145 days to 85 days
Community College	145 days to 85 days	85 days before	30 days before	40 days
School	40 days before	38 days	31 days before	Current

Ballot Certification Deadlines

Election Type	Ballot Certification Deadline	Previously was...
General Election	75 days prior	Current
Primary election	75 days prior	85-75 days prior
School Elections	30 days prior	25 days prior

Recall and Resignation Protocol

Office Type	Resignation Possibility Timeline	Previously was...
Municipal Elected Official	Resignation of an officer named in a recall petition to 72 hours after the letter of resignation	Immediate

Note: In current Montana law elected officials have the opportunity to resign shortly after a recall petition is taken out against them. This is a change to the timelines around those resignations.

Voter Registration

Election Type	Voter Registration deadline	Previously was...
General	Election Day	Current

Primary	Election Day	Current
School	Election Day	30 days prior

Nominating Petitions

Election Type	Change	Previously was...
State and Federal Candidates	No requirement for nominating petition	Current
Special Districts (fire districts, hospital districts, library districts, conservation district, drainage district, urban transportation district, irrigation, county water and/or sewer districts)	Strikes requirement for nominating petition	Fire Districts: 5 signatures Hospital districts: 5 signatures Library districts: 5 signatures Conservation districts: 10 signatures Drainage districts: 5 signatures Urban Transportation: 25 signatures Irrigation district: 5 signatures
Community College regents	Strikes requirement for nominating petition	CC: 5 signatures
School Districts (except first class*)	Strikes requirement for nominating petition	School District: 5 signatures

*First class district is one with 6,500 citizens or more. They had no signature requirement currently.

Availability for Absentee Ballot (Polling Place Election)

Election Type	Must be Available by	Previously was...
Special Purpose Districts	20 days before - polling place election	20 days - polling place election
City and County	25 days prior	30 days prior
Primary and General	25 days prior	30 day prior
School Bond	20 day prior	30 days prior

Date of Removing Candidates by COPP if Non-Compliant

Election Authority	Current removal date	Previously was...
Secretary of State	77 days prior to primary, 83 days prior to general	77 days prior to primary, 83 days prior to general
Counties	77 days prior to primary, 83 days prior to general	67-62 day prior in odd prior to primary, 75-70 days prior in even years

Mail Ballot Election Mailing Dates

Election Type	Must be Available by	Previously was...
Special Purpose Districts	20 to 15 days before - polling place election	25 to 15 days
Mail ballot elections	20 to 15 days before – mail ballot election	25 to 15 days

Other Changes:

- Community College elections will be conducted by the County Clerk as opposed to the College Board at the request of the Community College leaders.
- Petitions for community college regent elections would be filed with the county election administrator as opposed to the regents. Regents will be notified.
- There will be no primary election for municipal officers for the first election after the original incorporation of a municipality. There will be primary elections in following elections.
- Cost of initial community college election would be paid by the university system rather than by elementary school districts within the proposed community college district.
- Conservation districts primary elections are eliminated for the first election of officers.
- If an election is held for a special district that covers multiple counties the election will be administered by the county with more electors as opposed to the county with the largest geographic size.
- Drainage district write-in candidates must file. Votes won't be counted unless a candidate files.
- The certification of names for the ballot would apply to all general elections with respect to candidates that file with the Secretary of State, not just to federal general election candidates.
- The term of office for county superintendents starts at 12:01 a.m. on January 1 following election rather than on the first Monday in January.
- A written plan for mail ballot elections must be submitted for each mail ballot election, rather than just a blanket or general plan.
- Puts in a requirement that political subdivisions and school district shall cooperate if they are having a polling place election on the same day.
- Effective date: November 4, 2015 (date after this year's election day)