

HOUSE BILL NO. 303

INTRODUCED BY W. CURDY

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT PETITIONS TO RECALL SCHOOL BOARD TRUSTEES BE FILED WITH THE COUNTY SUPERINTENDENT OF SCHOOLS; AND AMENDING SECTION 2-16-615, MCA."

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

Section 1. Section 2-16-615, MCA, is amended to read:

"2-16-615. Filing of recall petitions -- mandamus for refusal. (1) (a) Recall Except as provided in subsection (1)(d), recall petitions for elected officers ~~shall~~ must be filed with the official who is provided by law to accept the declaration of nomination or petition for nomination for such office.

(b) Recall petitions for appointed state officers ~~shall~~ must be filed with the secretary of state, and recall petitions for appointed county or municipal officers ~~shall~~ must be filed with the county election administrator.

(c) Recall petitions for appointed officers from other political subdivisions ~~shall~~ must be filed with the county election administrator if the boundaries of the political subdivisions lie wholly within one county or otherwise with the secretary of state.

(d) Recall petitions for school board trustees must be filed with the county superintendent of schools responsible for overseeing the school district.

(2) If the secretary of state, county election administrator, or other filing official refuses to accept and file any petition for recall with the proper number of signatures of qualified electors, any elector may within 10 days after such refusal apply to the district court for a writ of mandamus. If it is determined that the petition is sufficient, the district court shall order the petition to be filed with a certified copy of the writ attached thereto, as of the date when it was originally offered for filing. On a showing that any filed petition is not sufficient, the court may enjoin certification, printing, or recall election.

~~(3) All such suits or appeals therefrom shall~~ Any suit or appeal filed under this section must be advanced on the court docket and heard and decided by the court as expeditiously as possible.

(4) Any aggrieved party may file an appeal within 10 days after any adverse order or decision as provided by law."

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