

HOUSE BILL NO. 138
INTRODUCED BY D. LEWIS

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A SCHOOL DISTRICT TO PROVIDE THREE NOTICES OF THE CLOSING DATE FOR FILING A NOMINATION FOR SCHOOL DISTRICT TRUSTEE; REQUIRING A SCHOOL DISTRICT TO PUBLISH THE TOTAL NUMBER OF BALLOTS CAST IN A TRUSTEE ELECTION; AND AMENDING SECTIONS 20-3-305, 20-3-344, AND 20-20-416, MCA."

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

Section 1. Section 20-3-305, MCA, is amended to read:

"20-3-305. Candidate qualification and nomination -- notice of closing date. (1) Except as provided in 20-3-338, any person who is qualified to vote in a district under the provisions of 20-20-301 is eligible for the office of trustee.

(2) Except as provided in 20-3-338, any five electors qualified under the provisions of 20-20-301 of any district, except a first-class elementary district, may nominate as many trustee candidates as there are trustee positions subject to election at the ensuing election. The name of each person nominated for candidacy must be submitted to the clerk of the district not less than 40 days before the regular school election day at which the person is to be a candidate. If there are different terms to be filled, the term for which each candidate is nominated must also be indicated.

(3) The clerk of the district shall provide three separate notices of the closing date for submitting a nomination for a trustee position. The notice must be made 30 days, 14 days, and 7 days prior to the closing date.

The three notices must be:

(a) published in a newspaper of general circulation within the school district in an advertisement of at least 6 column inches; and

(b) broadcast over all radio stations located within the boundaries of the school district."

Section 2. Section 20-3-344, MCA, is amended to read:

"20-3-344. Nomination of candidates by petition in first-class elementary district -- notice of closing date. (1) Except as provided in 20-3-338, any 20 electors, qualified under the provisions of 20-20-301, of any first-class elementary district may nominate by petition as many trustee candidates as there are trustee

positions subject to election at the ensuing election. The name of each person nominated for candidacy ~~shall~~ must be submitted to the clerk of the district not less than 40 days before the regular school election day at which ~~he~~ the person is to be a candidate. If there are different terms to be filled, the term for which each candidate is nominated ~~shall~~ must also be indicated. The election ~~shall~~ must be conducted with the ballot as specified in 20-3-306.

(2) The clerk of the district shall provide three separate notices of the closing date for submitting a nomination for a trustee position. The notice must be made 30 days, 14 days, and 7 days prior to the closing date. The three notices must be:

(a) published in a newspaper of general circulation within the school district in an advertisement of at least 6 column inches; and

(b) broadcast over all radio stations located within the boundaries of the school district."

Section 3. Section 20-20-416, MCA, is amended to read:

"20-20-416. Certificate of election -- publication of election results. (1) After the canvass of the total votes cast, the trustees shall issue a certificate of election. In the case of a trustee election, either by vote or by acclamation, the certificate must be issued to the elected trustee and the county superintendent, designating the term of the trustee position to which the trustee has been elected. In the case of an election on a proposition, the trustees shall issue a certificate specifying the outcome of the election. The certificate must be issued to the official or public body that ordered the election within 15 days after the election.

(2) When the election has been ordered by resolution of the trustees, the canvassed results must be published immediately in a newspaper that will give notice to the largest number of people of the district. In the case of a trustee election, the publication must include the total number of ballots cast in the election."

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