

HOUSE BILL NO. 83

INTRODUCED BY B. BENNETT

BY REQUEST OF THE STATE ADMINISTRATION AND VETERANS' AFFAIRS INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTION LAWS; CLARIFYING WHEN AN ELECTION REQUESTED BY PETITION CONCERNING A LOCAL GOVERNMENT ORDINANCE MUST BE HELD; REVISING NOTICE REQUIREMENTS RELATED TO RESORT TAX ELECTIONS; REVISING THE DEADLINE FOR WRITE-IN CANDIDATES IN SPECIAL DISTRICT AND LOCAL GOVERNMENT ELECTIONS; REVISING THE DEADLINES BY WHICH ABSENTEE AND MAIL BALLOTS MUST BE AVAILABLE; CLARIFYING THE DEADLINE FOR THE CANCELLATION OF A CONSERVATION DISTRICT ELECTION; CLARIFYING THAT COUNTY ELECTION ADMINISTRATORS RATHER THAN SCHOOL CLERKS PERFORM VOTER REGISTRATION DUTIES FOR SCHOOL ELECTIONS; REVISING NOTICE REQUIREMENTS RELATED TO SCHOOL ELECTIONS; CLARIFYING THE TRANSITION OF TERMS OF OFFICE FOR SPECIAL DISTRICT OFFICERS; AMENDING SECTIONS 7-3-103, 7-3-149, 7-5-132, 7-6-1504, 13-1-101, 13-1-403, 13-1-404, 13-1-502, 13-2-301, 13-3-213, 13-10-211, 13-13-205, 13-13-222, 20-3-313, AND 20-20-204, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

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

SECTION 1. SECTION 7-3-103, MCA, IS AMENDED TO READ:

"7-3-103. Amendment of self-government charter or adopted alternative form of government -- election. (1) An amendment to a self-government charter or an adopted alternative form of government may only be made by submitting the question of amendment to the electors of the local government as provided in 7-3-149. An amendment approved by the electors becomes effective on the first day of the local government fiscal year following the fiscal year of approval unless the question submitted to the electors provides otherwise.

(2) An amendment to a self-government charter or an adopted alternative form of government may be proposed by:

(a) petition as provided in 7-3-125;

(b) the local government by ordinance; or

(c) a study commission recommendation pursuant to 7-3-192.



1 (3) The local government, by ordinance, may provide procedures for the submission and verification of
 2 initiative petitions."

3

4 **SECTION 2.** SECTION 7-3-149, MCA, IS AMENDED TO READ:

5 **"7-3-149. Election on alteration of form of government.** (1) ~~Upon the election administrator's~~
 6 ~~verification that a petition filed pursuant to sections 7-3-121 through 7-3-123, 7-3-125, and 7-3-141 through~~
 7 ~~7-3-148 meets all the necessary requirements, the~~ The governing body shall call an election on the question of
 8 an alteration of the form of government or a change in a plan of government ~~proposed by the petition~~ upon:

9 (a) the election administrator's verification that a petition filed pursuant to sections 7-3-121 through
 10 7-3-123, 7-3-125, and 7-3-141 through 7-3-148 meets all the necessary requirements;

11 (b) adoption of a local government ordinance pursuant to 7-3-103(2)(b); or

12 (c) a recommendation by a study commission pursuant to 7-3-192.

13 (2) The election must be conducted in accordance with Title 13, chapter 1, part 4.

14 ~~(2)~~(3) The cost of the election must be paid for by the local government.

15 ~~(3)~~(4) (a) The affirmative vote of a simple majority of those voting on the question is required for
 16 adoption.

17 (b) In any election involving the question of consolidation, each question must be submitted to the
 18 electors in the county and requires an affirmative vote of a simple majority of the votes cast in the county on the
 19 question for adoption. There is no requirement for separate majorities in local governments voting on
 20 consolidation.

21 (c) In any election involving the question of county merger, the questions must be submitted to the
 22 electors in the counties affected and require a majority of the votes cast on the questions in each affected county
 23 for adoption.

24 (d) If the electors disapprove the proposed new form of local government, amendments, or consolidation
 25 plan, the local government retains its existing form."

26

27 **Section 3.** Section 7-5-132, MCA, is amended to read:

28 **"7-5-132. Procedure for initiative or referendum election.** (1) The electors of a local government may,
 29 by petition, request an election on whether to enact, repeal, or amend an ordinance. The form of the petition must
 30 be approved by the county election administrator. A petition signed by at least 15% of the local government's

1 qualified electors is sufficient to require an election.

2 (2) (a) If an approved petition containing sufficient signatures is filed prior to the ordinance's effective
3 date or within 60 days after the passage of the ordinance, whichever is later, a petition requesting an election on
4 whether to amend or repeal the ordinance delays the ordinance's effective date until the ordinance is ratified by
5 the electors.

6 (b) If an approved petition containing sufficient signatures is filed within 60 days after the effective date
7 of an emergency ordinance, the emergency ordinance is suspended until it is ratified by the electors.

8 (3) The governing body may refer an existing or proposed ordinance to a vote of the people by
9 resolution.

10 (4) A petition or resolution for an election must:

11 (a) embrace only a single comprehensive subject;

12 (b) set out fully the ordinance sought, the ordinance to be amended and the proposed amendment, or
13 the ordinance to be repealed;

14 (c) be in the form prescribed in Title 13, chapter 27, except as specifically provided in this part; and

15 (d) contain transition provisions if the measure changes terms of office or forms of government.

16 (5) An election held pursuant to this section must be conducted in conjunction with the next local
17 government election held in accordance with Title 13, chapter 1, part 4, except that if the petition asks for a
18 special election, specifies an election date that complies with 13-1-405, and is signed by at least 25% of the
19 qualified electors, a special election must be held on the date specified in the petition.

20 (6) If a majority of those voting on the question approve the proposal, it becomes effective when the
21 election results are officially declared, unless otherwise stated in the proposal."

22

23 **Section 4.** Section 7-6-1504, MCA, is amended to read:

24 **"7-6-1504. Resort tax -- election required -- procedure -- notice.** (1) A resort community or area may
25 not impose or, except as provided in 7-6-1505, amend or repeal a resort tax unless the resort tax question has
26 been approved by a majority of the qualified electors voting on the question.

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

28 (a) a resort community by a petition of the electors as provided by 7-5-131, 7-5-132, 7-5-134, 7-5-135,
29 and 7-5-137 or by a resolution of the governing body of the resort community; or

30 (b) a resort area by a resolution of the board of county commissioners, following receipt of a petition of

1 electors as provided in 7-6-1508.

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

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

5 (a) the rate of the resort tax;

6 (b) the duration of the resort tax;

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

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

10 (5) On receipt of an adequate petition, the governing body shall hold an election in accordance with Title
11 13, chapter 1, part 5.

12 (6) (a) Before the resort tax question is submitted to the electorate of a resort community or area, the
13 governing body of the resort community or the board of county commissioners in the county in which the resort
14 area is located shall provide notice of the goods and services subject to the resort tax by a method described in
15 13-1-108.

16 (b) The notice must be given two times, with at least 6 days separating the notices. The first notice must
17 be no more than 45 days prior to the election, and the last notice must be no less than 30 days prior to the
18 election.

19 ~~(6)(7)~~ Notice of the election must be ~~accomplished~~ given as provided in 13-1-108 and include the
20 information listed in subsection (4) of this section.

21 ~~(7)(8)~~ The question of the imposition of a resort tax may not be placed before the qualified electors more
22 than once in any fiscal year."

23

24 **Section 5.** Section 13-1-101, MCA, is amended to read:

25 **"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following
26 definitions apply:

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

29 (2) "Active list" means a list of active electors maintained pursuant to 13-2-220.

30 (3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that

1 is ordinarily not given away free but is purchased.

2 (4) "Application for voter registration" means a voter registration form prescribed by the secretary of state
3 that is completed and signed by an elector, is submitted to the election administrator, and contains voter
4 registration information subject to verification as provided by law.

5 (5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an
6 optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.

7 (6) (a) "Ballot issue" or "issue" means a proposal submitted to the people at an election for their approval
8 or rejection, including but not limited to an initiative, referendum, proposed constitutional amendment, recall
9 question, school levy question, bond issue question, or ballot question.

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

14 (7) "Ballot issue committee" means a political committee specifically organized to support or oppose a
15 ballot issue.

16 (8) "Candidate" means:

17 (a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or
18 appointment as a candidate for public office as required by law;

19 (b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained
20 contributions, made expenditures, or given consent to an individual, organization, political party, or committee
21 to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination
22 or election to any office at any time, whether or not the office for which the individual will seek nomination or
23 election is known when the:

24 (i) solicitation is made;

25 (ii) contribution is received and retained; or

26 (iii) expenditure is made; or

27 (c) an officeholder who is the subject of a recall election.

28 (9) (a) "Contribution" means:

29 (i) the receipt by a candidate or a political committee of an advance, gift, loan, conveyance, deposit,
30 payment, or distribution of money or anything of value to support or oppose a candidate or a ballot issue;

1 (ii) an expenditure, including an in-kind expenditure, that is made in coordination with a candidate or ballot
2 issue committee and is reportable by the candidate or ballot issue committee as a contribution;

3 (iii) the receipt by a political committee of funds transferred from another political committee; or

4 (iv) the payment by a person other than a candidate or political committee of compensation for the
5 personal services of another person that are rendered to a candidate or political committee.

6 (b) "Contribution" does not mean services provided without compensation by individuals volunteering
7 a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by
8 individuals in their private residences for a candidate or other individual.

9 (10) "Coordinated", including any variations of the term, means made in cooperation with, in consultation
10 with, at the request of, or with the express prior consent of a candidate or political committee or an agent of a
11 candidate or political committee.

12 (11) "De minimis act" means an action, contribution, or expenditure that is so small that it does not trigger
13 registration, reporting, disclaimer, or disclosure obligations under Title 13, chapter 35 or 37, or warrant
14 enforcement as a campaign practices violation under Title 13, chapter 37.

15 (12) "Election" means a general, special, or primary election held pursuant to the requirements of state
16 law, regardless of the time or purpose.

17 (13) (a) "Election administrator" means, except as provided in subsection (13)(b), the county clerk and
18 recorder or the individual designated by a county governing body to be responsible for all election administration
19 duties, except that with regard to school elections not administered by the county, the term means the school
20 district clerk.

21 (b) As used in chapter 2 regarding voter registration, the term means the county clerk and recorder or
22 the individual designated by a county governing body to be responsible for all election administration duties even
23 if the school election is administered by the school district clerk.

24 (14) (a) "Election communication" means the following forms of communication to support or oppose a
25 candidate or ballot issue:

26 (i) a paid advertisement broadcast over radio, television, cable, or satellite;

27 (ii) paid placement of content on the internet or other electronic communication network;

28 (iii) a paid advertisement published in a newspaper or periodical or on a billboard;

29 (iv) a mailing; or

30 (v) printed materials.

1 (b) The term does not mean:

2 (i) an activity or communication for the purpose of encouraging individuals to register to vote or to vote,
3 if that activity or communication does not mention or depict a clearly identified candidate or ballot issue;

4 (ii) a communication that does not support or oppose a candidate or ballot issue;

5 (iii) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any
6 broadcasting station, newspaper, magazine, internet website, or other periodical publication of general circulation;

7 (iv) a communication by any membership organization or corporation to its members, stockholders, or
8 employees; or

9 (v) a communication that the commissioner determines by rule is not an election communication.

10 (15) (a) "Electioneering communication" means a paid communication that is publicly distributed by radio,
11 television, cable, satellite, internet website, newspaper, periodical, billboard, mail, or any other distribution of
12 printed materials, that is made within 60 days of the initiation of voting in an election, that does not support or
13 oppose a candidate or ballot issue, that can be received by more than 100 recipients in the district voting on the
14 candidate or ballot issue, and that:

15 (i) refers to one or more clearly identified candidates in that election;

16 (ii) depicts the name, image, likeness, or voice of one or more clearly identified candidates in that
17 election; or

18 (iii) refers to a political party, ballot issue, or other question submitted to the voters in that election.

19 (b) The term does not mean:

20 (i) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any
21 broadcasting station, newspaper, magazine, internet website, or other periodical publication of general circulation
22 unless the facilities are owned or controlled by a candidate or political committee;

23 (ii) a communication by any membership organization or corporation to its members, stockholders, or
24 employees;

25 (iii) a commercial communication that depicts a candidate's name, image, likeness, or voice only in the
26 candidate's capacity as owner, operator, or employee of a business that existed prior to the candidacy;

27 (iv) a communication that constitutes a candidate debate or forum or that solely promotes a candidate
28 debate or forum and is made by or on behalf of the person sponsoring the debate or forum; or

29 (v) a communication that the commissioner determines by rule is not an electioneering communication.

30 (16) "Elector" means an individual qualified to vote under state law.

1 (17) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift
2 of money or anything of value:

3 (i) made by a candidate or political committee to support or oppose a candidate or a ballot issue; or

4 (ii) used or intended for use in making independent expenditures or in producing electioneering
5 communications.

6 (b) "Expenditure" does not mean:

7 (i) services, food, or lodging provided in a manner that they are not contributions under subsection (9);

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

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

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

14 (18) "Federal election" means an election in even-numbered years in which an elector may vote for
15 individuals for the office of president of the United States or for the United States congress.

16 (19) "General election" means an election that is held for offices that first appear on a primary election
17 ballot, unless the primary is canceled as authorized by law, and that is held on a date specified in 13-1-104.

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

20 (21) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

21 (22) (a) "Incidental committee" means a political committee that is not specifically organized or operating
22 for the primary purpose of supporting or opposing candidates or ballot issues but that may incidentally become
23 a political committee by receiving a contribution or making an expenditure.

24 (b) For the purpose of this subsection (22), the primary purpose is determined by the commissioner by
25 rule and includes criteria such as the allocation of budget, staff, or members' activity or the statement of purpose
26 or goal of the person or individuals that form the committee.

27 (23) "Independent committee" means a political committee organized for the primary purpose of receiving
28 contributions and making expenditures that is not controlled either directly or indirectly by a candidate and that
29 does not coordinate with a candidate in conjunction with the making of expenditures except pursuant to the limits
30 set forth in 13-37-216(1).

1 (24) "Independent expenditure" means an expenditure for an election communication to support or
2 oppose a candidate or ballot issue made at any time that is not coordinated with a candidate or ballot issue
3 committee.

4 (25) "Individual" means a human being.

5 (26) "Legally registered elector" means an individual whose application for voter registration was
6 accepted, processed, and verified as provided by law.

7 (27) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing
8 ballots to all active electors.

9 (28) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee,
10 including a political committee, club, union, or other organization or group of individuals or a candidate as defined
11 in subsection (8).

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

14 (30) (a) "Political committee" means a combination of two or more individuals or a person other than an
15 individual who receives a contribution or makes an expenditure:

16 (i) to support or oppose a candidate or a committee organized to support or oppose a candidate or a
17 petition for nomination;

18 (ii) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

19 (iii) to prepare or disseminate an election communication, an electioneering communication, or an
20 independent expenditure.

21 (b) Political committees include ballot issue committees, incidental committees, independent committees,
22 and political party committees.

23 (c) A candidate and the candidate's treasurer do not constitute a political committee.

24 (d) A political committee is not formed when a combination of two or more individuals or a person other
25 than an individual makes an election communication, an electioneering communication, or an independent
26 expenditure of \$250 or less.

27 (31) "Political party committee" means a political committee formed by a political party organization and
28 includes all county and city central committees.

29 (32) "Political party organization" means a political organization that:

30 (a) was represented on the official ballot in either of the two most recent statewide general elections; or

1 (b) has met the petition requirements provided in Title 13, chapter 10, part 5.

2 (33) "Political subdivision" means a county, consolidated municipal-county government, municipality,
3 special purpose district, or any other unit of government, except school districts, having authority to hold an
4 election.

5 (34) "Polling place election" means an election primarily conducted at polling places rather than by mail
6 under the provisions of Title 13, chapter 19.

7 (35) "Primary" or "primary election" means an election held on a date specified in 13-1-107 to nominate
8 candidates for offices filled at a general election.

9 (36) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not been
10 verified as provided by law.

11 (37) "Provisionally registered elector" means an individual whose application for voter registration was
12 accepted but whose identity or eligibility has not yet been verified as provided by law.

13 (38) "Public office" means a state, county, municipal, school, or other district office that is filled by the
14 people at an election.

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

17 (40) "Registrar" means the county election administrator and any regularly appointed deputy or assistant
18 election administrator.

19 (41) "Regular school election" means the school trustee election provided for in 20-20-105(1).

20 (42) "School election" has the meaning provided in 20-1-101.

21 (43) "School election filing officer" means the filing officer with whom the declarations for nomination for
22 school district office were filed or with whom the school ballot issue was filed.

23 (44) "School recount board" means the board authorized pursuant to 20-20-420 to perform recount duties
24 in school elections.

25 (45) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and that is
26 designed to:

27 (a) allow election officials, upon examination of the outside of the envelope, to determine that the ballot
28 is being submitted by someone who is in fact a qualified elector and who has not already voted; and

29 (b) allow it to be used in the United States mail.

30 (46) "Special election" means an election held on a day other than the day specified for a primary

1 election, general election, or regular school election.

2 (47) "Special purpose district" means an area with special boundaries created as authorized by law for
3 a specialized and limited purpose.

4 (48) "Statewide voter registration list" means the voter registration list established and maintained
5 pursuant to 13-2-107 and 13-2-108.

6 (49) "Support or oppose", including any variations of the term, means:

7 (a) using express words, including but not limited to "vote", "oppose", "support", "elect", "defeat", or
8 "reject", that call for the nomination, election, or defeat of one or more clearly identified candidates, the election
9 or defeat of one or more political parties, or the passage or defeat of one or more ballot issues submitted to voters
10 in an election; or

11 (b) otherwise referring to or depicting one or more clearly identified candidates, political parties, or ballot
12 issues in a manner that is susceptible of no reasonable interpretation other than as a call for the nomination,
13 election, or defeat of the candidate in an election, the election or defeat of the political party, or the passage or
14 defeat of the ballot issue or other question submitted to the voters in an election.

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

17 (51) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in
18 13-15-206.

19 (52) "Voted ballot" means a ballot that is:

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

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

22 (c) returned to a place of deposit.

23 (53) "Voting system" or "system" means any machine, device, technology, or equipment used to
24 automatically record, tabulate, or process the vote of an elector cast on a paper ballot."

25

26 **Section 6.** Section 13-1-403, MCA, is amended to read:

27 **"13-1-403. Election deadlines for candidate filing, write-in candidacy, and withdrawal -- election**
28 **cancellation -- election by acclamation.** (1) Consistent with the candidate filing deadline in 13-10-201(7) for
29 primary elections and except as provided in subsection (2) for a write-in candidate, the candidate filing deadline
30 for election to a local government office is no sooner than 145 days and no later than 85 days before the election.

1 (2) ~~Consistent with the deadline for write-in candidates under 13-10-211 for primary elections, a~~ A
 2 declaration of intent to be a write-in candidate must be filed with the election administrator by 5 p.m. on the ~~10th~~
 3 65th day before the date ~~on which the ballot must be available for absentee or mail ballot voting under 13-1-404,~~
 4 ~~as applicable of the election.~~

5 (3) Consistent with the withdrawal deadline in 13-10-325 for primary elections, a candidate may not
 6 withdraw after the candidate filing deadline provided in subsection (1).

7 (4) Except as provided in subsection (5)(b) and unless otherwise specifically provided by law, if the
 8 number of candidates filing for election is equal to or less than the number of positions to be filled, the election
 9 administrator shall notify the governing body in writing that the election is not necessary and the governing body
 10 may by resolution cancel the election.

11 (5) (a) If an election has been canceled and there is only one candidate for a position, the governing
 12 body shall declare the candidate elected to the position by acclamation.

13 (b) If an election has been canceled and there are no regular or declared write-in candidates for a
 14 position, the governing body shall fill the position by appointment. The term of an appointed member must be the
 15 same as if the member were elected."

16

17 **Section 7.** Section 13-1-404, MCA, is amended to read:

18 **"13-1-404. Deadline for absentee ballots and mail ballots.** (1) Pursuant to 13-13-205, ballots for a
 19 local government election must be:

20 (a) available for absentee voting in person at least 30 days before election day; and

21 (b) mailed to absentee voters at least 25 days prior to a polling place election day.

22 (2) Pursuant to 13-19-207, ballots for a local government election conducted by mail must be mailed no
 23 sooner than the 20th day and no later than the 15th day before election day ~~for an election conducted by mail."~~

24

25 **Section 8.** Section 13-1-502, MCA, is amended to read:

26 **"13-1-502. Deadlines for candidate filing, write-in candidacy, and withdrawal -- election**
 27 **cancellation -- election by acclamation.** (1) Consistent with the candidate filing deadline in 13-10-201(7) for
 28 primary elections and except as provided in subsection (3) for a write-in candidate, the candidate filing deadline
 29 for election to a special purpose district office is no sooner than 145 days and no later than 85 days before the
 30 election.

1 (2) Consistent with the withdrawal deadline in 13-10-325 for primary elections, a candidate may not
2 withdraw after the candidate filing deadline provided in subsection (1).

3 ~~(3) Consistent with the deadline for write-in candidates under 13-10-211 for primary elections, a~~ A
4 declaration of intent to be a write-in candidate must be filed with the election administrator by 5 p.m. on the ~~40th~~
5 65th day before the date on which the ballot must be available for absentee or mail ballot voting under 13-1-503,
6 ~~as applicable of the election.~~

7 (4) ~~(a) #~~ Except as provided in subsection (4)(b), if by the write-in candidate deadline in subsection (3)
8 the number of candidates is equal to or less than the number of positions to be filled at the election, the election
9 administrator shall cancel the election and, pursuant to 13-1-304, immediately notify the governing body in writing
10 of the cancellation. However, the governing body may by resolution require that the election be held.

11 (b) For an election of conservation district supervisors held in conjunction with a federal primary or federal
12 general election, if by the candidate filing deadline under subsection (1) the number of candidates is equal to or
13 less than the number of positions to be filled at the election, the election administrator shall cancel the election
14 and immediately notify the governing body in writing of the cancellation. However, the governing body may, by
15 no later than 10 days after the candidate filing deadline, pass a resolution to require that the election be held.

16 (5) (a) If an election has been canceled and there is only one candidate for a position, the governing
17 body shall declare the candidate elected to the position by acclamation.

18 (b) Except as otherwise provided by law:

19 (i) if an election has been canceled and there are no regular or declared write-in candidates for a
20 position, the governing body shall fill the position by appointment;

21 (ii) an appointed member shall serve the same term as if the member were elected."
22

23 **Section 9.** Section 13-2-301, MCA, is amended to read:

24 **"13-2-301. Close of regular registration -- notice -- changes.** (1) The election administrator shall:

25 (a) close regular registrations for 30 days before any election; and

26 (b) ~~except as provided in subsection (5),~~ publish a notice specifying the day regular registrations will
27 close and the availability of the late registration option provided for in 13-2-304 in a newspaper of general
28 circulation in the county at least three times in the 4 weeks preceding the close of registration or broadcast a
29 notice on radio or television as provided in 2-3-105 through 2-3-107, using the method the election administrator
30 believes is best suited to reach the largest number of potential electors. The provisions of this subsection (1)(b)

1 are fulfilled upon the third publication or broadcast of the notice.

2 (2) Information to be included in the notice must be prescribed by the secretary of state.

3 (3) An application for voter registration properly executed and postmarked on or before the day regular
4 registration is closed must be accepted as a regular registration for 3 days after regular registration is closed
5 under subsection (1)(a).

6 (4) An elector who misses the deadlines provided for in this section may register to vote or change the
7 elector's voter information and vote in the election, except as otherwise provided in 13-2-304.

8 ~~(5) The method of a notice about the close of regular registration for a school election must be as
9 specified in 20-20-204."~~

10

11 **Section 10.** Section 13-3-213, MCA, is amended to read:

12 **"13-3-213. Alternative means for casting ballot.** (1) The election administrator shall provide individuals
13 with disabilities and elderly individuals an alternative means for casting a ballot on election day if they are
14 assigned to an inaccessible polling place. These alternative means for casting a ballot include:

15 (a) delivery of a ballot to the elector as provided in 13-13-118;

16 (b) voting by absentee ballot ~~as provided in 13-13-222~~ in person at a designated voting station at the
17 county election administrator's office; and

18 (c) prearranged assignment to an accessible polling place within the county.

19 (2) An elector with a disability or an elderly elector assigned to an inaccessible polling place who desires
20 to vote at an accessible polling place:

21 (a) shall request assignment to an accessible polling place by notifying the election administrator in
22 writing at least 7 days preceding the election;

23 (b) must be assigned to the nearest accessible polling place for the purpose of voting in the election;

24 (c) shall sign the elector's name on a special addendum to the official precinct register as required in
25 13-2-601; and

26 (d) must receive the same ballot to which the elector is otherwise entitled.

27 (3) For the purpose of subsection (2), the ballot cast at an alternative polling place must be processed
28 and counted in the same manner as an absentee ballot."

29

30 **Section 11.** Section 13-10-211, MCA, is amended to read:

1 **"13-10-211. Declaration of intent for write-in candidates.** (1) Except as provided in subsection (7),
2 a person seeking to become a write-in candidate for an office in any election shall file a declaration of intent.
3 Except for a candidate under 13-38-201(4), a candidate may not file for more than one public office. The
4 declaration of intent must be filed with the secretary of state or election administrator, depending on where a
5 declaration of nomination for the desired office is required to be filed under 13-10-201, or with the school district
6 clerk for a school district office. When a county election administrator is conducting the election for a school
7 district, the school district clerk or school district office that receives the declaration of intent shall notify the county
8 election administrator of the filing. Except as provided in 13-1-403, 13-1-503, 20-3-305(3)(b), and subsection (2)
9 of this section, the declaration must be filed no later than 5 p.m. on the 10th day before the earliest date
10 established under 13-13-205 on which a ballot must be available ~~for absentee voting for the election~~ and must
11 contain:

12 (a) the candidate's name, including:

13 (i) the candidate's first and last names;

14 (ii) the candidate's initials, if any, used instead of a first name, or first and middle name, and the
15 candidate's last name;

16 (iii) the candidate's nickname, if any, used instead of a first name, and the candidate's last name; and

17 (iv) a derivative or diminutive name, if any, used instead of a first name, and the candidate's last name;

18 (b) the candidate's mailing address;

19 (c) a statement declaring the candidate's intention to be a write-in candidate;

20 (d) the title of the office sought;

21 (e) the date of the election;

22 (f) the date of the declaration; and

23 (g) the candidate's signature.

24 (2) A declaration of intent may be filed after the deadline provided for in subsection (1) but no later than
25 5 p.m. on the day before the election if, after the deadline prescribed in subsection (1), a candidate for the office
26 that the write-in candidate is seeking dies or is charged with a felony offense and if the election has not been
27 canceled as provided by law.

28 (3) The secretary of state shall notify each election administrator of the names of write-in candidates who
29 have filed a declaration of intent with the secretary of state. Each election administrator shall notify the election
30 judges in the county or district of the names of write-in candidates who have filed a declaration of intent.

1 (4) A properly completed and signed declaration of intent may be provided to the election administrator
2 or secretary of state:

3 (a) by facsimile transmission;

4 (b) in person;

5 (c) by mail; or

6 (d) by electronic mail.

7 (5) A declaration is not valid until the filing fee required pursuant to 13-10-202 is received by the
8 secretary of state or the election administrator.

9 (6) A write-in candidate who files a declaration of intent for a general election may not file with a partisan,
10 nonpartisan, or independent designation.

11 (7) Except as provided in 13-38-201(4)(b), the requirements in subsection (1) do not apply if:

12 (a) an election is held;

13 (b) a person's name is written in on the ballot;

14 (c) the person is qualified for and seeks election to the office for which the person's name was written
15 in; and

16 (d) no other candidate has filed a declaration or petition for nomination or a declaration of intent."
17

18 **Section 12.** Section 13-13-205, MCA, is amended to read:

19 **"13-13-205. When ballots to be available for absentee voting.** (1) Except as provided in subsection
20 (2), the election administrator shall ensure that ballots for ~~an election not conducted by mail~~ a polling place
21 election are available for ~~absentee voting at least~~ as follows:

22 (a) for an election conducted on a primary or general election day:

23 (i) ~~25 30~~ 30 days prior to election day ~~for an election not covered under subsection (1)(b)~~ for absentee
24 voting in person;

25 (ii) 25 days prior to the election for mailing ballots to absentee voters; and

26 (b) 20 days prior to election day for a special purpose district or school district election, except that
27 ballots for a conservation district election held on a primary or general election day must be available as provided
28 in subsection (1)(a).

29 (2) A federal election ballot requested by an absent uniformed services or overseas elector pursuant to
30 Title 13, chapter 21, must be sent to the elector as soon as the ballot is printed but not later than 45 days in

1 advance of the election."

2

3 **Section 13.** Section 13-13-222, MCA, is amended to read:

4 **"13-13-222. Marking ballot in person before election day.** (1) As soon as the official ballots are
5 available ~~pursuant to~~ for in-person absentee voting under 13-13-205(1)(a)(i), the election administrator shall
6 permit an elector to apply for, receive, and mark an absentee ballot before election day by appearing in person
7 at the office of the election administrator and marking the ballot in a voting station area designated by the election
8 administrator.

9 (2) The provisions of this chapter apply to voting under this section.

10 (3) For the purposes of this section, an official ballot is voted when the ballot is received at the election
11 administrator's office."

12

13 **Section 14.** Section 20-3-313, MCA, is amended to read:

14 **"20-3-313. Election by acclamation -- notice.** (1) If the number of candidates filing for vacant positions
15 or filing a declaration of intent to be a write-in candidate under 20-3-305(2)(b) is equal to or less than the number
16 of positions to be elected, the trustees may cancel the election.

17 (2) If the election is canceled, the trustees shall give notice that a trustee election will not be held. Notice
18 must be given no later than 30 days before the election.

19 ~~(2)~~(3) If a trustee election is not held, the trustees shall declare elected by acclamation the candidate
20 who filed for the position or who filed a declaration of intent to be a write-in candidate and shall issue a certificate
21 of election to the candidate.

22 ~~(3)~~(4) An election for a trustee in a single-member district as provided in 20-3-338 or in a trustee
23 nominating district as provided in 20-3-353 is considered a separate trustee election for the purposes of declaring
24 election by acclamation as provided in this section."

25

26 **Section 15.** Section 20-20-204, MCA, is amended to read:

27 **"20-20-204. Election notice.** (1) (a) When the trustees of a district call a school election, they shall give
28 notice of the election not less than 10 days or more than 40 days before the election by:

29 (i) publishing a notice in a newspaper of general circulation if there is one in the district;

30 (ii) posting notices in three public places in the district; and

1 (iii) posting notice on the district's website, if the district has an active website, for 10 days prior to the
2 election.

3 (b) Whenever, in the judgment of the trustees, the best interest of the district will be served by the
4 supplemental publication or broadcast of the school election notice by any recognized media organization in the
5 district, the trustees may cause the supplemental notification to be made.

6 (2) The notice of a school election, unless otherwise required by law, must specify:

7 (a) the date and polling places of the election;

8 (b) the hours that the polling places will be open;

9 (c) each proposition to be considered by the electorate;

10 (d) if there are trustees to be elected, the number of positions subject to election and the length of term
11 of each position; ~~and~~

12 (e) where and how absentee ballots may be obtained; and

13 (f) where and how late registrants may obtain a ballot on election day.

14 (3) If more than one proposition is to be considered at the same school election, each proposition must
15 be set apart and separately identified in the same notice or published in separate notices."
16

17 **NEW SECTION. Section 16. Transition -- special purpose district officers -- terms of office --**
18 **retroactive applicability.** An officer of a special purpose district, as defined in 13-1-101, who was elected or
19 appointed to a term of office that would otherwise have expired prior to the school election immediately following
20 the expiration of the officer's term shall serve until the election or appointment of a successor under the laws
21 effective on and after November 4, 2015, that provide for the special purpose district election to be held on the
22 same day as the regular school election in May. This section applies retroactively, within the meaning of 1-2-109,
23 to the terms of office for special purpose district officers elected before November 4, 2015.
24

25 **NEW SECTION. Section 17. Effective date.** [This act] is effective on passage and approval.
26

- END -