

Amendment - 1st Reading/2nd House-blue - Requested by: Mike Hopkins - (S) State Administration

- 2023
68th Legislature 2023

Drafter: Rebecca Power,

HB0774.002.003

1 HOUSE BILL NO. 774
2 INTRODUCED BY M. HOPKINS
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTION LAWS; ESTABLISHING A
5 SCHOOL ELECTION INCENTIVE PILOT PROGRAM FOR COUNTIES TO ADMINISTER SCHOOL
6 ELECTIONS; PROVIDING GRANTS TO PARTICIPATING COUNTIES; EXEMPTING PARTICIPATING
7 SCHOOL DISTRICTS FROM BEING CHARGED ELECTION COSTS; REQUIRING ALL ELECTIONS TO BE
8 HELD IN EVEN-NUMBERED YEARS AND PROVIDING EXCEPTIONS; REQUIRING ALL ELECTIONS TO BE
9 HELD ON PRIMARY DAY OR GENERAL ELECTION DAY AND PROVIDING EXCEPTIONS; REQUIRING
10 COUNTY ELECTION ADMINISTRATORS TO ADMINISTER ALL ELECTIONS; REVISING DEFINITIONS;
11 CHANGING TERM LENGTHS TO ALIGN WITH THE REVISED ELECTION SCHEDULE; REVISING
12 TIMELINES AND OTHER PROVISIONS RELATED TO SCHOOL ELECTION CANDIDATE FILING,
13 CANDIDATE WITHDRAWAL, WRITE-IN CANDIDATES, TRUSTEES CALLING ELECTIONS, ELECTION
14 ACCLAMATION, AND CERTIFICATE OF ELECTION; REVISING RESIDENCY REQUIREMENTS FOR
15 SCHOOL ELECTION JUDGES; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 3-6-201, 7-4-
16 2611, 7-5-132, 7-6-1504, 7-6-1536, 7-6-1542, 7-6-4431, ~~7-11-1003, 7-11-1011, 7-11-1012, 7-11-1013,~~ 7-12-
17 4243, 7-13-2208, 7-13-2210, 7-13-2341, 7-13-2342, 7-13-2352, 7-13-4512, 7-13-4535, 7-14-210, 7-14-1106, 7-
18 14-1134, 7-14-1632, 7-14-1633, 7-14-4642, 7-15-4218, 7-15-4408, 7-16-2102, 7-31-106, 7-31-107, 7-31-109,
19 ~~7-33-2106,~~ 7-34-2109, 7-34-2110, 7-34-2414, 13-1-101, 13-1-104, 13-1-106, 13-1-107, 13-1-203, 13-1-204, 13-
20 1-301, 13-1-302, 13-1-405, 13-1-504, 13-2-304, 13-10-211, 13-13-205, 13-13-222, 13-16-205, 13-37-126, 15-
21 10-425, 16-12-301, 16-12-311, 20-1-101, 20-3-106, 20-3-302, 20-3-305, 20-3-306, 20-3-307, 20-3-313, 20-3-
22 321, 20-3-324, 20-3-362, 20-4-401, 20-6-326, 20-6-422, 20-6-423, 20-6-504, 20-6-506, 20-6-603, 20-6-621, 20-
23 6-704, 20-9-115, 20-9-131, 20-9-208, 20-9-306, 20-9-308, 20-9-311, 20-9-313, 20-9-353, 20-9-405, 20-9-406,
24 20-9-422, 20-15-203, 20-15-208, 20-15-221, 20-15-404, 20-20-102, 20-20-104, 20-20-105, 20-20-107, 20-20-
25 108, 20-20-109, 20-20-201, 20-20-417, 76-5-1106, 76-15-207, 76-15-303, 76-15-304, 76-15-506, 76-15-531,
26 76-15-605, 76-15-702, 76-15-805, ~~85-6-105, 85-6-106, 85-7-1602, 85-7-1702, 85-7-1703, 85-7-1712, 85-7-~~
27 1974, ~~85-7-2013,~~ 85-8-302, 85-8-624, AND 85-9-206, MCA; REPEALING SECTIONS 13-1-305, 13-1-503, 20-

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1 ~~interface device to be used for the election. When a school district is conducting its own election, the school~~
2 ~~district shall request from the county an estimate of the cost for using a county voter interface device. The~~
3 ~~county shall provide the estimate within 30 days of receiving the school district's request.~~

4 (6) Election costs shall be paid from county funds, and any shares paid by other political
5 subdivisions and school districts shall be credited to the fund from which the costs were paid.

6 (7) The proportionate costs referred to in subsection (1) of this section shall be only those
7 additional costs incurred as a result of the political subdivision holding its election in conjunction with the
8 primary or general election."
9

10 **Section 40.** Section 13-1-405, MCA, is amended to read:

11 **"13-1-405. Date of local government elections -- call for election.** (1) A local government election
12 must be held on the same day as the primary election day established in 13-1-107 or the general election day
13 established in 13-1-104, ~~except that an election concerning funding may be called as a special election.~~ except
14 that an election concerning funding may be called as a special election.

15 (2) ~~A local government election may not be held sooner than 85 days after the date of the order or~~
16 ~~resolution calling for the election.~~

17 (3) ~~Pursuant to 13-19-201, the governing body authorized by law to call an election shall specify in the~~
18 ~~order or resolution calling for the election whether the governing body is requesting that the election be~~
19 ~~conducted by mail."~~

20
21 **Section 41.** Section 13-1-504, MCA, is amended to read:

22 **"13-1-504. Dates for special purpose district elections -- call for election.** (1) ~~Except as provided~~
23 ~~in subsection (2), the~~ The Except for irrigation districts, fire districts, and as provided in subsections (2) and (3),
24 the following elections for a special purpose district must be held on the same day as the ~~regular school~~
25 ~~election day established in 20-20-105(1), which is the first Tuesday after the first Monday in May~~ primary or
26 general election in an even-numbered year:

27 (a) an election to create, alter the boundaries of, continue, or dissolve a special purpose district;

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1 and

2 (b) an election to fill a special purpose district office.

3 (2) (a) A special purpose district election that includes a question affecting district funding, such as
4 fee assessments, bonds, or the sale or lease of property, may be held on the day specified in subsection (1) ~~or~~
5 ~~scheduled as a special election~~ or scheduled as a special election.

6 (b) A conservation district election must be held on a primary or general election day.

7 ~~(3) If specifically authorized by law, a special purpose district election may be held at the district's~~
8 ~~annual meeting.~~

9 (3) If specifically authorized by law, an irrigation district or fire district may hold an election at the
10 district's annual meeting to fill a district office or to address a question affecting district funding, such as fee
11 assessment, bonds, or the sale or lease of property.

12 ~~(4)(3)(4)~~ A special purpose district election may not be held earlier than 85 days after the date of
13 the order or resolution calling for the election.

14 ~~(5)(4)(5)~~ Pursuant to 13-19-201, the governing body authorized by law to call an election shall
15 specify in the order or resolution calling for the election whether the governing body is requesting that the
16 election be conducted by mail."

17

18 **Section 42.** Section 13-2-304, MCA, is amended to read:

19 **"13-2-304. Late registration -- late changes.** (1) Except as provided in 13-21-104 and subsection (2)
20 of this section, the following provisions apply:

21 (a) An elector may register or change the elector's voter registration information after the close of
22 regular registration as provided in 13-2-301 and vote in the election if the election administrator in the county
23 where the elector resides receives and verifies the elector's voter registration information prior to noon the day
24 before the election.

25 (b) Except as provided in 13-2-514(2)(a) and subsection (1)(c) of this section, an elector who
26 registers or changes the elector's voter information pursuant to this section may vote in the election if the
27 elector obtains the ballot from the location designated by the county election administrator.