

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

- 2023
68th Legislature 2023

Drafter: Rebecca Power,

HB0774.002.005

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

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

- 2023

68th Legislature 2023

Drafter: Rebecca Power,

HB0774.002.005

1 76-15-805, ~~85-6-105, 85-6-106, 85-7-1602, 85-7-1702, 85-7-1703, 85-7-1712, 85-7-1974, 85-7-2013, 85-8-~~
2 302, 85-8-624, AND 85-9-206, MCA; REPEALING SECTIONS 13-1-305, 13-1-503, 20-6-505, 20-6-604, 20-20-
3 106, ~~20-20-108, 20-20-203, 20-20-204, 20-20-401, AND 20-20-402, AND 20-20-416~~, MCA; AND PROVIDING
4 ~~A DELAYED EFFECTIVE DATE~~ EFFECTIVE DATES AND A TERMINATION DATE.”

5

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

7

8 NEW SECTION. **Section 1. School elections task force -- duties -- membership -- staffing and**

9 **expenses.** (1) There is a school elections task force with membership and duties provided in this section.

10 (2) The task force shall examine the state statutes and administrative procedures related to:

11 (a) the timeline and procedures for school trustee elections, school funding elections, federal
12 general elections, the statewide general election, municipal general elections, and special purpose district
13 elections;

14 (b) the varied boundaries involved in different types of elections and how they are documented
15 and maintained for election administration purposes;

16 (c) school district trustee terms of office and associated election timelines;

17 (d) school district budgeting and their fiscal year calendar;

18 (e) the legal authority, roles, and responsibilities of state, county, and school district officials
19 related to election administration and school funding;

20 (f) the cost of and funding for administering school elections;

21 (g) the county personnel and training needed for counties to administer school elections; and

22 (h) any other matters that may arise in the context of the task force's prescribed duties.

23 (3) Based on its examination and findings under subsection (2), the task force shall develop
24 specific recommendations for how best to revise current state statutory language and election administration
25 procedures to:

26 (a) provide that counties administer all school elections;

27 (b) address how to update and maintain the accuracy of school district boundary information for

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

- 2023
68th Legislature 2023

Drafter: Rebecca Power,

HB0774.002.005

1 election administration;

2 (c) provide that school elections are combined with the statewide general election to the extent
3 feasible; and

4 (d) address election administration personnel requirements, training needs, costs, and funding
5 responsibilities.

6 (4) The task force shall invite and consider information from stakeholders, including voters and
7 state, county, local government, and school officials, and their representative organizations.

8 (5) (a) The task force shall present progress reports at least quarterly, including its final report, to
9 the state administration and veterans' affairs interim committee, the education interim committee, the secretary
10 of state's office, and the office of public instruction.

11 (b) The progress reports may be provided in writing but must be presented in person or by remote
12 videoconference if requested.

13 (c) The final report must be provided by July 1, 2024, and must include the specific
14 recommendations described in subsection (3).

15 (d) The final report may include alternative legislative options that meet the policy goals of greater
16 voter turnout and increased trust in the integrity of school elections.

17 (6) The task force must consist of 12 members:

18 (a) two legislative members as follows:

19 (i) a senator appointed by the senate committee on committees; and

20 (ii) a member of the house of representatives appointed by the speaker of the house of
21 representatives;

22 (b) eight members appointed by the superintendent of public instruction as follows:

23 (i) four county officials to represent county election administrators, county superintendents, and
24 county finance officers; and

25 (ii) four school district officials to represent school district clerks who administer school elections,
26 school board trustees, and school finance officers;

27 (c) a member appointed by the secretary of state from the elections staff of the office of the

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

- 2023
68th Legislature 2023

Drafter: Rebecca Power,

HB0774.002.005

1 secretary of state; and

2 (d) a member appointed by the superintendent of public instruction from the office of public
3 instruction who is knowledgeable about school elections.

4 (7) In making the appointments under subsection (6), the superintendent of public instruction shall
5 consider how best to represent factors such as:

6 (a) counties and school districts with large and small populations and tax bases;

7 (b) school districts with boundaries that cross county boundaries;

8 (c) school districts with single-member trustee districts;

9 (d) high school districts with additional trustees; and

10 (e) counties with a large number of school districts.

11 (8) (a) Legislative members of the task force are entitled to receive compensation and expenses
12 as provided in 5-2-302.

13 (b) A nonlegislative member of the task force who is not a full-time salaried officer or employee of
14 the state or a political subdivision of the state is entitled to salary and expenses to the same extent as a
15 legislative member.

16 (c) A member of the task force who is a full-time salaried officer or employee of the state or a
17 political subdivision of the state is entitled to reimbursement for travel expenses as provided in 2-18-501
18 through 2-18-503.

19 (9) The office of public instruction shall provide staff support for the task force, including a
20 facilitator who shall act as a nonvoting presiding officer and conduct task force meetings in accordance with
21 subsection (10).

22 (10) Task force meetings must be conducted as follows:

23 (a) public notice must be provided at least 10 days prior to each meeting;

24 (b) minutes must be kept and meetings must be recorded;

25 (c) members shall participate remotely only by phone or videoconference;

26 (d) proxies may not be permitted; and

27 (e) the task force shall adopt rules of parliamentary procedure that, to the extent practical, include

1 a consensus model of decisionmaking, providing that:
2 (i) actions are taken without objection;
3 (ii) an objection may be recognized only if the objecting member offers an alternative path forward
4 in the matter; and
5 (iii) a vote is taken only if the facilitator considers consensus without objection is not possible, in
6 which case the matter must be decided by a majority vote, and if there is a tie vote, the senate member shall
7 decide the matter.

8
9 **NEW SECTION. Section 2. SCHOOL ELECTION INCENTIVE PILOT PROGRAM FOR COUNTIES TO ADMINISTER**

10 **SCHOOL ELECTIONS. (1) THE OFFICE OF PUBLIC INSTRUCTION SHALL ESTABLISH AN INCENTIVE PILOT PROGRAM FOR**
11 **COUNTIES TO ADMINISTER REGULAR SCHOOL ELECTIONS IN MAY 2024.**

12 (2) (A) THE OFFICE OF PUBLIC INSTRUCTION SHALL ADMINISTER THE INCENTIVE PILOT PROGRAM AS A
13 GRANT PROGRAM AND AWARD TO COUNTIES FROM FUNDING APPROPRIATED BY THE LEGISLATURE FOR THE PURPOSES
14 OF THIS SECTION.

15 (B) THE INCENTIVE PILOT PROGRAM SHALL PROVIDE THAT, SUBJECT TO SUBSECTION (2)(E):

16 (i) COUNTIES THAT CHOOSE TO PARTICIPATE MAY USE THE GRANT MONEY TO PAY PERSONNEL, TRAINING,
17 AND OPERATING COSTS ASSOCIATED WITH CONDUCTING ONE OR MORE SCHOOL ELECTIONS UNDER THIS SECTION; AND

18 (ii) SCHOOL DISTRICTS THAT CHOOSE TO PARTICIPATE ARE EXEMPT FROM THE PROVISIONS OF 20-20-
19 417(3) FOR THE MAY 2024 SCHOOL ELECTION AND MAY NOT BE CHARGED BY THE COUNTY FOR THE COST OF
20 ADMINISTERING THE ELECTION.

21 (C) SUBJECT TO SUBSECTION (2)(E), THE OFFICE OF PUBLIC INSTRUCTION SHALL GRANT TO EACH
22 PARTICIPATING COUNTY THE AMOUNT REQUESTED BY THE COUNTY TO ADMINISTER ONE OR MORE SCHOOL ELECTIONS
23 PURSUANT TO THIS SECTION, UP TO THE MAXIMUM OF \$1 FOR EACH REGISTERED ELECTOR IN THE SCHOOL DISTRICT FOR
24 WHICH THE ELECTION IS ADMINISTERED.

25 (D) TO THE GREATEST EXTENT POSSIBLE, GRANT FUNDING MUST BE PROVIDED TO THE COUNTY BEFORE
26 THE COSTS ARE INCURRED BASED ON COUNTY ESTIMATES BUT MAY BE PAID AS REIMBURSEMENTS IF NECESSARY.

27 (E) THE OFFICE OF PUBLIC INSTRUCTION SHALL ALLOCATE AVAILABLE FUNDS ON A FIRST-REQUESTED,

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

- 2023
68th Legislature 2023

Drafter: Rebecca Power,

HB0774.002.005

1 (d) order and decree the district organized if the requisite number of eligible electors votes in favor
2 of organization.

3 (2) In order for the district to be organized, 51% or more of the eligible electors must vote in the
4 election, and a majority of those voting must vote in favor of organization.

5 (3) This chapter does not confer on the court jurisdiction to hear, adjudicate, and settle questions
6 concerning the priority of appropriation of water between districts and other persons. Jurisdiction to hear and
7 determine priority of appropriation and questions of right growing out of or in any way connected with a priority
8 of appropriation is expressly excluded from this chapter and must be determined as otherwise provided by the
9 laws of Montana."

10
11 NEW SECTION. Section 106. Repealer. The following sections of the Montana Code Annotated are
12 repealed:

13 13-1-305. School district and political subdivision election cooperation.

14 13-1-503. Deadlines for absentee and mail ballots.

15 ~~20-6-505. OPENING A JUNIOR HIGH SCHOOL WHEN HIGH SCHOOL DISTRICT OPERATES A COUNTY HIGH SCHOOL.~~

16 ~~20-6-604. SALE OF PROPERTY WHEN RESOLUTION PASSED AFTER HEARING -- APPEAL PROCEDURE.~~

17 20-20-106. Poll hours.

18 ~~20-20-108. Rescheduling of school election canceled due to declaration of state of emergency or disaster.~~

19 20-20-203. Resolution for poll hours, polling places, and judges.

20 20-20-204. Election notice.

21 20-20-401. Trustees' election duties -- ballot certification.

22 20-20-402. Clerk of election judges and appointment for absent judge.

23 ~~20-20-416. Certificate of election.~~

24
25 NEW SECTION. Section 107. APPROPRIATION. (1) There is appropriated \$35,000 from the general
26 fund to the office of public instruction for the fiscal year beginning July 1, 2023, for the staffing and operation of
27 the school elections task force provided for in [section 1].

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

- 2023
68th Legislature 2023

Drafter: Rebecca Power,

HB0774.002.005

1 ~~(2)~~ THERE IS APPROPRIATED \$150,000 FROM THE GENERAL FUND TO THE OFFICE OF PUBLIC INSTRUCTION
2 FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, FOR THE SCHOOL ELECTION INCENTIVE PILOT PROGRAM PROVIDED FOR
3 IN ~~[SECTION 1-section 2]~~.

4
5 NEW SECTION. Section 108. Effective date DATES. ~~[This act] is effective July 1, 2024 (1) EXCEPT AS~~
6 PROVIDED IN SUBSECTION (2), [THIS ACT] IS EFFECTIVE ~~JULY 1, 2024~~ January 1, 2026.

7 ~~(2) [SECTIONS 1 AND 106 Sections 1, 2, and 107]~~ AND THIS SECTION ARE EFFECTIVE JULY 1, 2023.

8
9 NEW SECTION. Section 109. TERMINATION. ~~[SECTION 1 Sections 1 and 2] TERMINATES terminate~~ JULY
10 1, 2024.

11 - END -