

**Amendment - 1st Reading/2nd House-blue - Requested by: Dan Bartel - (S) State Administration**

- 2023  
68th Legislature 2023

Drafter: Rebecca Power,

HB0774.002.007

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 ~~6-505, 20-6-604, 20-20-106, 20-20-108, 20-20-203, 20-20-204, 20-20-401, AND 20-20-402, AND 20-20-416,~~  
2 MCA; AND PROVIDING A DELAYED EFFECTIVE DATE EFFECTIVE DATES AND A TERMINATION DATE."

3

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

5

6 NEW SECTION. SECTION 1. SCHOOL ELECTION INCENTIVE PILOT PROGRAM FOR COUNTIES TO ADMINISTER

7 SCHOOL ELECTIONS. (1) THE OFFICE OF PUBLIC INSTRUCTION SHALL ESTABLISH AN INCENTIVE PILOT PROGRAM FOR

8 COUNTIES TO ADMINISTER REGULAR SCHOOL ELECTIONS IN MAY 2024.

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

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

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

15 (II) SCHOOL DISTRICTS THAT CHOOSE TO PARTICIPATE ARE EXEMPT FROM THE PROVISIONS OF 20-20-  
16 417(3) FOR THE MAY 2024 SCHOOL ELECTION AND MAY NOT BE CHARGED BY THE COUNTY FOR THE COST OF  
17 ADMINISTERING THE ELECTION.

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

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

24 (E) THE OFFICE OF PUBLIC INSTRUCTION SHALL ALLOCATE AVAILABLE FUNDS ON A FIRST-REQUESTED,  
25 FIRST-GRANTED BASIS.

26 (3) TO RECEIVE A GRANT UNDER THIS SECTION AND SUBJECT TO SUBSECTION (2)(E), A COUNTY:

27 (A) MUST RECEIVE A REQUEST FROM ONE OR MORE SCHOOL DISTRICTS WITHIN THE COUNTY TO

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1 (d) the establishment of additional elementary trustee positions under the provisions of 20-3-  
2 341(3); ~~or~~  
3 (e) the establishment of additional high school trustee positions under the provisions of 20-6-313;  
4 or  
5 (f) the development and implementation of a transition plan from 3-year terms to 4-year terms  
6 pursuant to [this act]. The trustees shall, no later than August 1, 2024, adjust the terms of each trustee serving  
7 by motion of the board to comply with subsection (1). The adjustment may be accomplished at the discretion of  
8 the board by a combination of shortening and lengthening terms of trustees to accomplish the intent of this  
9 section. As part of the transition plan, terms may not be shortened to less than 1 year and terms may not be  
10 lengthened by more than 3 years. If a majority of the trustees present and voting are unable to agree by  
11 majority vote on a transition plan, the term of each trustee must be shortened and lengthened in alternating  
12 order, sorted alphabetically by last name with the first trustee's term shortened and the second trustee's term  
13 lengthened and continuing in this pattern until the resulting terms meet the intent of section (1).

14 (3) If the change of a district's classification under 20-6-201 or 20-6-301 decreases the number of  
15 trustee positions, the positions must be eliminated in a manner that complies with the intent of subsection (1).

16 (4) Although the legislature intends that the terms of a majority of trustees of any district may not  
17 regularly expire and be subject to election at the same time, it is recognized that filling a vacancy under 20-3-  
18 308 may lead to a subsequent school election in which a majority of trustee positions are subject to election at  
19 the same time."

20

21 **Section 54.** Section 20-3-305, MCA, is amended to read:

22 **"20-3-305. Candidate qualification, filing deadline, and withdrawal.** (1) Except as provided in 20-  
23 3-338, any person who is qualified to vote in a district under the provisions of 20-20-301 is eligible for the office  
24 of trustee.

25 (2) (a) Except as provided in subsection (2)(b), a declaration of intent to be a candidate must be  
26 submitted to the clerk of the district, OR TO THE COUNTY ELECTION ADMINISTRATOR IF THE ELECTION IS BEING  
27 CONDUCTED BY THE COUNTY, at least 40 ~~65~~ days before the ~~regular school election day~~ general election at which

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1 the person is to be a candidate. If there are different terms to be filled, the term for the position for which the  
2 candidate is filing must also be indicated.

3 (b) A person seeking to become a write-in candidate for a trustee position shall file a declaration of  
4 intent no later than 5 p.m. ~~on the day before the ballot certification deadline in 20-20-401 13-12-201~~ 40 DAYS 55  
5 days BEFORE THE ELECTION.

6 (3) (a) A candidate intending to withdraw from the election shall send a statement of withdrawal to  
7 the ~~clerk of the district~~ county election administrator. The statement must contain all information necessary to  
8 identify the candidate and the office for which the candidate filed. The statement of withdrawal must be  
9 acknowledged by the ~~clerk of the district~~ county election administrator.

10 (b) A candidate may not withdraw after 5 p.m. ~~the day before the ballot certification deadline in 20-~~  
11 ~~20-401 13-12-201~~ 40 DAYS 55 days BEFORE THE ELECTION."

12

13 **Section 55.** Section 20-3-306, MCA, is amended to read:

14 **"20-3-306. Conduct of election.** (1) The trustees of each district shall call a trustee election ~~on the~~  
15 ~~regular school election day of each school fiscal year under the provisions of 20-20-201, except as provided in~~  
16 ~~20-3-313 during a general election as described in 13-1-104.~~ The trustees shall call and conduct the trustee  
17 election in the manner prescribed in this title for school elections and Title 13. Any elector qualified to vote  
18 under the provisions of 20-20-301 may vote at a trustee election.

19 (2) The trustee election ballots must be substantially in the following form:

20

OFFICIAL BALLOT

21

SCHOOL TRUSTEE ELECTION

22 INSTRUCTIONS TO VOTERS: Make an X or similar mark in the vacant square before the name of the  
23 candidate for whom you wish to vote.

24 Vote for (indicate number to be elected) for a ~~3-year~~ 4-year term:

25  (List the names of the candidates for a ~~3-year~~ 4-year term with a vacant square in front of each  
26 name.)

27 Vote for (indicate number to be elected) for a 2-year term:

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1 registered electors of the school district ~~in which they serve~~ or a county in which the school district is located.

2 (2) An election judge may not be:

3 (a) the candidate;

4 (b) an ascendant, descendant, brother, or sister of a candidate; or

5 (c) the spouse of the candidate or of any of the individuals listed in subsection (2)(b).

6 (3) School election judges must meet the training and certification requirements of 13-4-203."

7

8 **Section 91.** Section 20-20-201, MCA, is amended to read:

9 **"20-20-201. Calling of school election.** (1) At least ~~70~~ 100 days before any OTHER school election,  
10 the trustees of a district or other entity or official authorized by law to call a school election shall call the school  
11 election by resolution, stating the date and purpose of each election and whether, pursuant to 13-19-202, any  
12 election is requested to be by mail. The date of the school election must align with either the primary or general  
13 election in an even-numbered year.

14 (2) To enable the county election administrator to manage voter registration and prepare the lists  
15 of registered electors:

16 (a) the resolution calling for a school election must be transmitted to the county election  
17 administrator AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION no later than 3 days after the resolution is  
18 passed; and

19 (b) if the election is to be conducted by mail, the school clerk must also transmit to the county  
20 election administrator a copy of the written plan required under 13-19-205 as soon as the plan has been  
21 approved by the secretary of state."

22

23 **Section 92.** Section 20-20-417, MCA, is amended to read:

24 **"20-20-417. Request for county County election administrator to conduct election.** (1) ~~By June 1~~  
25 ~~of each year, the trustees of a district may request the county election administrator to conduct certain school~~  
26 ~~elections during the ensuing school fiscal year. The request must be made by a resolution of the board of~~  
27 ~~trustees~~ The county administrator shall conduct all school elections.