

HOUSE BILL NO. 796

INTRODUCED BY T. FALK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING EDUCATION LAWS RELATED TO THE QUALIFICATIONS TO SERVE AS A SCHOOL DISTRICT TRUSTEE; REQUIRING INDIVIDUALS SEEKING TO BE TRUSTEE CANDIDATES TO PASS CRIMINAL HISTORY BACKGROUND CHECKS IN THE SAME MANNER REQUIRED OF EDUCATORS SEEKING LICENSURE; AND AMENDING SECTION 20-3-305, 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, filing deadline, and withdrawal. (1) (a) Except as provided in 20-3-338 and subsection (1)(b) of this section, any person who is qualified to vote in a district under the provisions of 20-20-301 is eligible for the office of trustee.

(b) Prior to submitting a declaration of intent to be a candidate, an otherwise qualified individual shall pass a criminal history background check in the same manner prescribed under rules adopted by the board of public education for a candidate seeking licensure to be an educator.

(2) (a) Except as provided in subsection (2)(b), a declaration of intent to be a candidate must be submitted to the clerk of the district at least 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 the position for which the candidate is filing must also be indicated.

(b) A person seeking to become a write-in candidate for a trustee position shall file a declaration of intent no later than 5 p.m. on the day before the ballot certification deadline in 20-20-401.

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

