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As of: January 15, 2014 (7:46pm)

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**** Bill No. ****

Introduced By *****

By Request of the *****

A Bill for an Act entitled: "An Act generally revising election laws; PART 2 - SCHOOL ELECTIONS...."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-1-101, MCA, is amended to read:

"20-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Accreditation standards" means the body of administrative rules governing standards such as:

- (a) school leadership;
- (b) educational opportunity;
- (c) academic requirements;
- (d) program area standards;
- (e) content and performance standards;
- (f) school facilities and records;
- (g) student assessment; and
- (h) general provisions.

(2) "Aggregate hours" means the hours of pupil instruction for which a school course or program is offered or for which a pupil is enrolled.

(3) "Agricultural experiment station" means the

Unofficial Draft Copy

As of: January 15, 2014 (7:46pm)

LCele2

agricultural experiment station established at Montana state university-Bozeman.

(4) "At-risk student" means any student who is affected by environmental conditions that negatively impact the student's educational performance or threaten a student's likelihood of promotion or graduation.

(5) "Average number belonging" or "ANB" means the average number of regularly enrolled, full-time pupils physically attending or receiving educational services at an offsite instructional setting from the public schools of a district.

(6) "Board of public education" means the board created by Article X, section 9, subsection (3), of the Montana constitution and 2-15-1507.

(7) "Board of regents" means the board of regents of higher education created by Article X, section 9, subsection (2), of the Montana constitution and 2-15-1505.

(8) "Commissioner" means the commissioner of higher education created by Article X, section 9, subsection (2), of the Montana constitution and 2-15-1506.

(9) "County superintendent" means the county government official who is the school officer of the county.

(10) "District superintendent" means a person who holds a valid class 3 Montana teacher certificate with a superintendent's endorsement that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who has been employed by a district as a district superintendent.

Unofficial Draft Copy

As of: January 15, 2014 (7:46pm)

LCele2

(11) (a) "Educational program" means a set of educational offerings designed to meet the program area standards contained in the accreditation standards.

(b) The term does not include an educational program or programs used in 20-4-121 and 20-25-803.

(12) "K-12 career and vocational/technical education" means organized educational activities that have been approved by the office of public instruction and that:

(a) offer a sequence of courses that provide a pupil with the academic and technical knowledge and skills that the pupil needs to prepare for further education and for careers in the current or emerging employment sectors; and

(b) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills of the pupil.

(13) (a) "Minimum aggregate hours" means the minimum hours of pupil instruction that must be conducted during the school fiscal year in accordance with 20-1-301 and includes passing time between classes.

(b) The term does not include lunch time and periods of unstructured recess.

(14) "Offsite instructional setting" means an instructional setting at a location, separate from a main school site, where a school district provides for the delivery of instruction to a student who is enrolled in the district.

Unofficial Draft Copy

As of: January 15, 2014 (7:46pm)

LCele2

(15) "Principal" means a person who holds a valid class 3 Montana teacher certificate with an applicable principal's endorsement that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who has been employed by a district as a principal. For the purposes of this title, any reference to a teacher must be construed as including a principal.

(16) "Pupil" means a child who is 6 years of age or older on or before September 10 of the year in which the child is to enroll or has been enrolled by special permission of the board of trustees under 20-5-101(3) but who has not yet reached 19 years of age and who is enrolled in a school established and maintained under the laws of the state at public expense. For purposes of calculating the average number belonging pursuant to 20-9-311, the definition of pupil includes a person who has not yet reached 19 years of age by September 10 of the year and is enrolled under 20-5-101(3) in a school established and maintained under the laws of the state at public expense.

(17) "Pupil instruction" means the conduct of organized instruction of pupils enrolled in public schools while under the supervision of a teacher.

(18) "Qualified and effective teacher or administrator" means an educator who is licensed and endorsed in the areas in which the educator teaches, specializes, or serves in an administrative capacity as established by the board of public education.

Unofficial Draft Copy

As of: January 15, 2014 (7:46pm)

LCele2

(19) "Regents" means the board of regents of higher education.

(20) "Regular school election" or "trustee election" means the election for school board members held on the day established in 20-20-105(1).

(21) "School election" means a regular school election or any election conducted by a district or community college district for authorizing taxation, authorizing the issuance of bonds by an elementary district or a high school district, or accepting or rejecting any proposition that may be presented to the electorate for decision in accordance with the provisions of this title.

(22) "School food services" means a service of providing food for the pupils of a district on a nonprofit basis and includes any food service financially assisted through funds or commodities provided by the United States government.

(23) "Special school election" means an election held on a day other than the regular school election, primary election, or general election day.

~~(21)~~(24) "State board of education" means the board composed of the board of public education and the board of regents as specified in Article X, section 9, subsection (1), of the Montana constitution.

~~(22)~~(25) "State university" means Montana state university-Bozeman.

~~(23)~~(26) "Student with limited English proficiency" means any student:

Unofficial Draft Copy

As of: January 15, 2014 (7:46pm)

LCele2

(a) (i) who was not born in the United States or whose native language is a language other than English;

(ii) who is an American Indian and who comes from an environment in which a language other than English has had a significant impact on the individual's level of English proficiency; or

(iii) who is migratory, whose native language is a language other than English, and who comes from an environment in which a language other than English is dominant; and

(b) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the student:

(i) the ability to meet the state's proficiency assessments;

(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

(iii) the opportunity to participate fully in society.

~~(24)~~(27) "Superintendent of public instruction" means that state government official designated as a member of the executive branch by the Montana constitution.

~~(25)~~(28) "System" means the Montana university system.

~~(26)~~(29) "Teacher" means a person, except a district superintendent, who holds a valid Montana teacher certificate that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who is employed by a district as a member of its instructional, supervisory, or administrative

Unofficial Draft Copy

As of: January 15, 2014 (7:46pm)

LCele2

staff. This definition of a teacher includes a person for whom an emergency authorization of employment has been issued under the provisions of 20-4-111.

~~(27)~~(30) "Textbook" means a book or manual used as a principal source of study material for a given class or group of students.

~~(28)~~(31) "Textbook dealer" means a party, company, corporation, or other organization selling, offering to sell, or offering for adoption textbooks to districts in the state.

~~(29)~~(32) "Trustees" means the governing board of a district.

~~(30)~~(33) "University" means the university of Montana-Missoula.

~~(31)~~(34) "Vocational-technical education" means vocational-technical education of vocational-technical students that is conducted by a unit of the Montana university system, a community college, or a tribally controlled community college, as designated by the board of regents."

{*Internal References to 20-1-101:*
19-20-302 20-9-328 }

Section 2. Section 20-3-202, MCA, is amended to read:

"20-3-202. Term, oath, and vacancy. (1) The county superintendent shall hold office for a term of 4 years. The county superintendent shall assume office on the first Monday of January following election and shall hold the office until a successor has been elected and qualified.

(2) Any person elected as the county superintendent shall

take the oath or affirmation of office and shall give an official bond, as required by law.

(3) If the office of county superintendent becomes vacant, the board of county commissioners shall appoint a replacement to fill the vacancy. The replacement shall serve until the next ~~regular~~ general election, when a person must be elected to serve the remainder of the initial term, if there is any remaining term."

{Internal References to 20-3-202: None.}

Section 3. Section 20-3-301, MCA, is amended to read:

"20-3-301. Election and term of office. (1) Every trustee position prescribed by this title shall be subject to election, ~~and the~~. A school trustee election must be held annually on the regular school election day established in 20-20-105(1).

(2) The term of office for each position shall be 3 years unless it is otherwise specifically prescribed by this title.

~~(2)~~(3) The trustees shall be composed of the number of trustee positions prescribed for a district by 20-3-341 and 20-3-351. When exercising the power and performing the duties of trustees, the members shall act collectively and only at a regular or a properly called special meeting.

~~(3)~~(4) The number of trustee positions in a district shall vary in accordance with 20-3-341 and 20-3-351 according to the type of district."

{Internal References to 20-3-301: None.}

Unofficial Draft Copy

As of: January 15, 2014 (7:46pm)

LCele2

REPEAL 20-3-304. SEE AMENDMENTS TO 20-3-301.

Section 4. Section 20-3-304, MCA, is amended to read:

"20-3-304. Annual election. In each district an election of trustees must be conducted annually on the regular school election day, the first Tuesday after the first Monday of May. Election of trustees must comply with the election provisions of Title 13 and this title."

{*Internal References to 20-3-304:*

20-3-337 20-3-338 20-15-221 22-1-706
22-1-706 }

Section 5. Section 20-3-305, MCA, is amended to read:

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

(2) Except as provided in 20-3-338, any five electors qualified under the provisions of 20-20-301 of any district, except a first-class elementary district, may nominate as many trustee candidates as there are trustee positions subject to election at the ensuing election. The name of each person nominated for candidacy must be submitted to the clerk of the district ~~not less than 40 days before the regular school election day at which the person is to be a candidate~~ within the time period specified in 13-10-201. If there are different terms to be filled, the term for which each candidate is nominated must also be indicated.

(3) (a) A candidate intending to withdraw from the election

Unofficial Draft Copy

As of: January 15, 2014 (7:46pm)

LCele2

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 was nominated. The statement of withdrawal must be acknowledged by the clerk of the district.

(b) A candidate may not withdraw less than ~~38~~ the number of days specified in 13-10-208 before a school election.

(c) Filing fees paid by the candidate may not be refunded."

{*Internal References to 20-3-305:*
20-3-338 20-3-356 }

Section 6. Section 20-3-307, MCA, is amended to read:

"20-3-307. Qualification and oath. (1) A person who receives a certificate of election as a trustee under the provisions of 20-3-313 or 20-20-416 may not assume the trustee position until the person has qualified. The person shall qualify by taking an oath of office administered by the county superintendent, the superintendent's designee, or any official provided for in 1-6-101 or 2-16-116. The oath must be filed with the county superintendent not more than 15 days after the receipt of the certificate of election. After a person has qualified for a trustee position, the person holds the position until a successor has been elected or appointed and has been qualified.

(2) If the elected person does not qualify in accordance with this requirement, a person must be appointed in the manner provided by 20-3-309 and shall serve until the next regular school election."

Unofficial Draft Copy

As of: January 15, 2014 (7:46pm)

LCele2

{*Internal References to 20-3-307:*
20-3-205 20-3-308 20-15-223 }

Section 7. Section 20-3-313, MCA, is amended to read:

"20-3-313. Election by acclamation -- notice. (1) If the number of candidates filing for vacant positions or filing a declaration of intent to be a write-in candidate under 13-10-211 is equal to or less than the number of positions to be elected, the trustees may give notice that a trustee election will not be held. Notice must be given no later than 25 days before the election.

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

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

{*Internal References to 20-3-313:*
20-3-306 20-3-307 }

Section 8. Section 20-3-321, MCA, is amended to read:

"20-3-321. Organization and officers. (1) The trustees of each district shall annually organize as a governing board of the district after the regular school election day and after the

Unofficial Draft Copy

As of: January 15, 2014 (7:46pm)

LCele2

issuance of the election certificates to the newly elected trustees, but not later than 15 days after the election. In order to organize, the trustees of the district must be given notice of the time and place where the organization meeting will be held, and at the meeting they shall choose one of their number as the presiding officer. In addition, except for the trustees of a high school district operating a county high school, the trustees shall employ and appoint a competent person, who is not a member of the trustees, as the clerk of the district. The trustees of a high school district operating a county high school shall appoint a secretary, who must be a member of the board.

(2) The presiding officer of the trustees of any district shall serve until the next organization meeting and shall preside at all the meetings of the trustees in accordance with the customary rules of order. The presiding officer shall perform the duties prescribed by this title and any other duties that normally pertain to a presiding officer.

(3) The presiding officer of a board of trustees of an elementary district may be any trustee of the board, including an additional trustee as provided for in 20-3-352(2). If an additional trustee is chosen to serve as the presiding officer of the board of trustees of an elementary district described in 20-3-351(1)(a), the additional trustee may not vote on issues pertaining only to the elementary district."

{*Internal References to 20-3-321:*
20-3-322 20-3-325 20-3-352 20-6-424
20-6-424 }

Section 9. Section 20-3-341, MCA, is amended to read:

"20-3-341. Number of trustee positions in elementary districts -- transition. The number of trustee positions in each elementary district shall vary according to the district's classification, as established by 20-6-201:

(1) There must be seven trustee positions in a first-class elementary district.

(2) There must be five trustee positions in a second-class elementary district; however, upon a majority vote of the board of trustees, the number may be increased to seven trustee positions at the next trustee election, provided that notice of the action of the board of trustees is published by the clerk of the district in a newspaper of general circulation in the county prior to January 1 of the year of the trustee election. The board of trustees may reduce the number of trustee positions from seven to five upon receiving a petition for that purpose from at least 10 qualified electors of the district.

(3) There must be three trustee positions in a third-class elementary district; however, upon a majority vote of the board of trustees, the number may be increased to five trustee positions at the next trustee election, provided that notice of the action of the board of trustees is published by the clerk of the district in a newspaper of general circulation in the county prior to January 1 of the year of the trustee election. The board of trustees may reduce the number of trustee positions from five to three upon receiving a petition for that purpose from at least 10 qualified electors of the district.

(4) (a) If the number of trustee positions in a second-class elementary district is decreased from seven to five in accordance with the provisions of subsection (2), one position is eliminated at the time of the first subsequent regular school election and one position is eliminated at the next regular school election.

(b) If the number of trustee positions in a third-class elementary district is decreased from five to three in accordance with the provisions of subsection (3), one position is eliminated at the time of the first subsequent school election when two trustee positions would have been filled and one position is eliminated at the next school election when two trustee positions would have been filled."

{*Internal References to 20-3-341:*
20-3-301 20-3-301 20-3-302 20-6-702 }

Section 10. Section 20-3-344, MCA, is amended to read:

"20-3-344. Nomination of candidates by petition in first-class elementary district. Except as provided in 20-3-338, any 20 electors, qualified under the provisions of 20-20-301, of any first-class elementary district may nominate by petition as many trustee candidates as there are trustee positions subject to election at the ensuing election. The name of each person nominated for candidacy must be submitted to the clerk of the district ~~not less than 40 days before the regular school election day at which the person is to be a candidate~~ within the time period specified in 13-10-201. If there are different terms to be

filled, the term for which each candidate is nominated must also be indicated. The election must be conducted with the ballot as specified in 20-3-306."

{*Internal References to 20-3-344:*
20-3-306 20-3-338 }

Section 11. Section 20-9-428, MCA, is amended to read:

"20-9-428. Determination of approval or rejection of proposition at bond election. (1) When the trustees canvass the vote of a school district bond election under the provisions of 20-20-415, they shall determine the approval or rejection of the school bond proposition in the following manner:

(a) Except as provided in subsection (1)(c), if the school district bond election is held at a regular school election or at a special election called by the trustees, the trustees shall:

(i) determine the total number of electors of the school district who are qualified to vote under the provisions of 20-20-301 from the list of electors supplied by the county registrar for the school bond election;

(ii) determine the total number of qualified electors voting at the school bond election from the tally sheets for the election; and

(iii) calculate the percentage of qualified electors voting at the school bond election by dividing the amount determined in subsection (1)(a)(ii) by the amount determined in subsection (1)(a)(i).

(b) When the calculated percentage in subsection

Unofficial Draft Copy

As of: January 15, 2014 (7:46pm)

LCele2

(1)(a)(iii) is:

(i) 40% or more, the school bond proposition is approved and adopted if a majority of the votes were cast in favor of the proposition, otherwise it is rejected;

(ii) more than 30% but less than 40%, the school bond proposition is approved and adopted if 60% or more of the votes were cast in favor of the proposition, otherwise it is rejected;
or

(iii) 30% or less, the school bond proposition is rejected.

(c) If the school district bond election is held ~~at a general election, at~~ in conjunction with an election that is conducted by mail ballot, as provided in Title 13, chapter 19, or ~~at a special election that is held~~ in conjunction with a regular or primary election, the determination of the approval or rejection of the bond proposition is made by a majority of the votes cast on the issue.

(2) If the canvass of the vote establishes the approval and adoption of the school bond proposition, the trustees shall issue a certificate proclaiming the passage of the proposition and the authorization to issue bonds of the school district for the purposes specified on the ballot for the school district bond election."

{*Internal References to 20-9-428:*
20-9-471 20-15-404 * }

Section 12. Section 20-9-471, MCA, is amended to read:

"20-9-471. Issuance of obligations -- authorization --

Unofficial Draft Copy

As of: January 15, 2014 (7:46pm)

LCele2

conditions. (1) The trustees of a school district may, without a vote of the electors of the district, issue and sell to the board of investments obligations for the purpose of financing all or a portion of:

(a) the costs of vehicles and equipment;

(b) the costs associated with renovating, rehabilitating, and remodeling facilities, including but not limited to roof repairs, heating, plumbing, electrical systems, and conservation measures as defined in 90-4-1102;

(c) any other expenditure that the district is otherwise authorized to make, subject to subsection (4), including the payment of settlements of legal claims and judgments; and

(d) the costs associated with the issuance and sale of the obligations.

(2) The term of the obligation, including an obligation for a qualified energy project, may not exceed 15 fiscal years. For the purposes of this subsection, a "qualified energy project" means a project designed to reduce energy use in a school facility and from which the resulting energy cost savings are projected to meet or exceed the debt service obligation for financing the project, as determined by the department of environmental quality.

(3) At the time of issuing the obligation, there must exist an amount in the budget for the current fiscal year available and sufficient to make the debt service payment on the obligation coming due in the current year. The budget for each following year in which any portion of the principal of and interest on the

obligation is due must provide for payment of that principal and interest.

(4) Except as provided in 20-9-502 and 20-9-503, the proceeds of the obligation may not be used to acquire real property or construct a facility unless:

(a) the acquisition or construction project does not constitute more than 20% of the square footage of the existing real property improvements made to a facility containing classrooms;

(b) the 20% square footage limitation may not be exceeded within any 5-year period; and

(c) the electors of the district approve a proposition authorizing the trustees to apply for funds through the board of investments for the construction project. The proposition must be approved at ~~a special or regular~~ an election held in accordance with all of the requirements of 20-9-428, except that the proposition is considered to have passed if a majority of the qualified electors voting approve the proposition.

(5) The school district may not submit for a vote of the electors of the district a proposition to impose a levy to pay the principal or any interest on an obligation that is payable from the conservation-related cost savings under energy performance contracts as defined in 90-4-1102.

(6) The obligation must state clearly on its face that the obligation is not secured by a pledge of the school district's taxing power but is payable from amounts in its general fund or other legally available funds.

Unofficial Draft Copy

As of: January 15, 2014 (7:46pm)

LCele2

(7) An obligation issued is payable from any legally available fund of the district and constitutes a general obligation of the district.

(8) The obligation may bear interest at a fixed or variable rate and may be sold to the board of investments at par, at a discount, or with a premium and upon any other terms and conditions that the trustees determine to be in the best interests of the district.

(9) The principal amount of the obligation, when added to the outstanding bonded indebtedness of the district, may not exceed the debt limitation established in 20-9-406."

{*Internal References to 20-9-471:*
20-9-406 20-9-406 20-9-406 20-9-421 }

Section 13. Section 20-15-203, MCA, is amended to read:

"20-15-203. Call of community college district organization election -- proposition statement. (1) A petition for the organization of a community college district must be presented to the regents. The regents shall examine the petition to determine if the petition satisfies the petitioning and community college district organizational requirements.

(2) If the regents determine that the petition satisfies the requirements, the regents shall order the elementary districts encompassed by the proposed community college district to conduct an election on the community college district organization proposition. The election must be held on the next regular school election day, except that an election required by

Unofficial Draft Copy

As of: January 15, 2014 (7:46pm)

LCele2

a petition received by the regents less than 60 days before the regular school election day must be held at the regular school election in the following school fiscal year.

(3) At the election the proposition must be in substantially the following form:

PROPOSITION

Shall there be organized within the area comprising the School Districts of (elementary districts must be listed by county), State of Montana, a community college district for the offering of 13th- and 14th-year courses, to be known as the Community College District of, Montana, under the provisions of the laws authorizing community college districts in Montana, as requested in the petition filed with the Board of Regents at Helena, Montana, on the day of, 20...?

FOR organization.

AGAINST organization."

{*Internal References to 20-15-203: None.*}

Section 14. Section 20-15-206, MCA, is amended to read:

"20-15-206. Nomination of candidates and provision of sample ballot. (1) Nominations of candidates for the trustee positions must be filed with the regents at least 30 days prior to the date of the election. Any five qualified electors may file nominations of as many persons as are to be elected to the board

of trustees of the proposed community college district from their respective community college trustee election areas.

(2) The regents shall provide the trustees of each district ordered to conduct the community college district organization election with a sample of the ballot for the election of the board of trustees. Such sample ballot shall be reproduced by the trustees in a sufficient number to be used as the trustee election ballot."

{*Internal References to 20-15-206: None.*}

Section 15. Section 20-15-219, MCA, is amended to read:

"20-15-219. Qualifications for office of trustee -- nominating petitions. (1) Any person who is qualified to vote in a community college district under the provisions of 20-20-301 is eligible for the office of community college trustee.

(2) Any five electors of a community college district qualified under the provisions of 20-20-301 may nominate as many trustee candidates as there are trustee positions subject to election at the ensuing election. A nominating petition containing the signatures of the five electors and the name of each person nominated for candidacy must be submitted to the election clerk designated by the board of trustees no less than 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 which each candidate is nominated must also be indicated."

{*Internal References to 20-15-219:*}

20-15-221 }

Section 16. Section 20-15-221, MCA, is amended to read:

"20-15-221. Election of trustees after organization of community college district. (1) After organization, the registered electors of the community college district qualified to vote under the provisions of 20-20-301 shall annually vote for trustees on the regular school election day provided for in ~~20-3-304~~ 20-20-105(1). The election must be conducted in accordance with the election provisions of this title whenever the provisions are made applicable to community college districts. Elections must be conducted by the component elementary school districts within the community college district upon the order of the board of trustees of the community college district. The order must be transmitted to the appropriate trustees not less than 40 days prior to the regular school election day.

(2) Notice of the community college district trustee election must be given by the board of trustees of the community college district by publication in one or more newspapers of general circulation within each county, not less than once a week for 2 consecutive weeks, with the last insertion to be no more than 1 week prior to the date of the election. This notice is in addition to the election notice to be given by the trustees of the component elementary districts under the school election laws.

(3) If trustees are elected other than at large throughout

Unofficial Draft Copy

As of: January 15, 2014 (7:46pm)

LCele2

the entire district, then only those qualified voters within the area from which the trustee or trustees are to be elected may cast their ballots for the trustee or trustees from that area. In addition to the nominating petition required by 20-15-219(2), all candidates for the office of trustee shall file their declarations of candidacy with the secretary of the board of trustees of the community college district not less than 40 days prior to the date of election. If an electronic voting system is not used in the component elementary school district or districts that conduct the election, the board of trustees of the community college district shall cause ballots to be printed and distributed for the polling places in the component districts at the expense of the community college district, but in all other respects the elections must be conducted in accordance with the school election laws. All costs incident to election of the community college trustees must be borne by the community college district, including one-half of the compensation of the judges for the school elections. However, if the election of the community college district trustees is the only election conducted, the community college district shall compensate the district for the total cost of the election."

{*Internal References to 20-15-221: None.*}

Section 17. Section 20-15-222, MCA, is amended to read:

"20-15-222. Results of election -- qualifying oath -- term of office. (1) When the board of trustees of the community college district has received all the certified results of the

election from the component elementary districts, the then-qualified members of the board of trustees of the community college district shall tabulate the results received, shall declare and certify the candidate or candidates receiving the greatest number of votes to be elected to the position or positions to be filled, and shall declare and certify the results of the votes cast on any proposition presented at the election.

(2) (a) A person who receives a certificate of election as a community college trustee may not assume the trustee position until the person has qualified by taking an oath of office prescribed by the constitution of Montana at the next regularly scheduled meeting of the board of trustees after receipt of the certificate of election.

(b) If the elected person does not qualify in accordance with this requirement, another person must be appointed in a manner provided by 20-15-223 and shall serve until the next regular school election.

(3) After a person has qualified for a trustee position, the person shall hold the position for the term of the position and until a successor has been elected or appointed and has been qualified."

{*Internal References to 20-15-222: None.*}

Section 18. Section 20-15-224, MCA, is amended to read:

"20-15-224. Board of trustees -- organization, meetings, quorum, mileage, and seal. (1) (a) The trustees of each community college district shall annually organize as a governing board of

the community college district at the next regularly scheduled meeting after the regular school election day and after the issuance of the election certificate to the newly elected trustees.

(b) In order to organize, the trustees of the community college district must be given notice by the coordinator of the time and place where the organization meeting will be held, and at the meeting they shall choose one of their members as presiding officer and as secretary. In addition, the trustees may employ or appoint a competent person who is not a member of the trustees as the clerk of the community college district.

(c) The presiding officer and secretary of the trustees of the community college district shall serve until the next organization meeting. The presiding officer shall preside at all meetings of the trustees in accordance with the customary rules of order. The presiding officer shall perform the duties prescribed by this title and any other duties that normally pertain to the office.

(2) The board of trustees of the community college shall hold monthly meetings within the community college district on the day of the month the trustees may set. The presiding officer and secretary of the board or a majority of the board may also call special meetings of the board of trustees at any time and place within the community college district if in its judgment necessity requires the meeting. The secretary of the board shall give each member a 48-hour written notice of all special meetings.

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As of: January 15, 2014 (7:46pm)

LCele2

(3) A majority of the board of trustees constitutes a quorum for the transaction of business, except that a contract may not be let, teacher employed or dismissed, or bill approved unless a majority of the total board membership votes in favor of the action.

(4) A member of the board of trustees must receive mileage, as provided for in 2-18-503, for the distance necessarily traveled in going to and returning from the place of the meeting and the member's place of residence each day that the trip is actually made.

(5) The board shall keep a common seal with which to attest its official acts."

{*Internal References to 20-15-224: None.*}

Section 19. Section 20-15-311, MCA, is amended to read:

"20-15-311. Funding sources. The annual operating budget of a community college district must be financed from the following sources:

(1) the estimated revenue to be realized from student tuition and fees, except revenue related to community service courses, as defined by the board of regents;

(2) subject to 15-10-420, a mandatory mill levy on the community college district;

(3) subject to 15-10-420, the adult education levy authorized under provisions of 20-15-305;

(4) the state general fund appropriation;

(5) an optional voted levy on the community college

Unofficial Draft Copy

As of: January 15, 2014 (7:46pm)

LCele2

district that must be submitted to the electorate in accordance with ~~general~~ school election laws and 15-10-425;

(6) all other income, revenue, balances, or reserves not restricted by a source outside the community college district to a specific purpose;

(7) income, revenue, balances, or reserves restricted by a source outside the community college district to a specific purpose. Student fees paid for community service courses, as defined by the board of regents, are considered restricted to a specific purpose.

(8) income from a political subdivision that is designated a community college service region under 20-15-241."

{*Internal References to 20-15-311:*
20-15-313 }

REPEAL 20-20-101. SEE SECTION 1, AMENDING 20-20-101, SUBSECTION 21.

Section 20. Section 20-20-101, MCA, is amended to read:

"20-20-101. Definition. As used in this title, unless the context clearly indicates otherwise, "school election" means any election conducted by a district or community college district for the purpose of electing trustees, for authorizing taxation, for authorizing the issuance of bonds by an elementary district or a high school district, or for accepting or rejecting any proposition that may be presented to the electorate for decision in accordance with the provisions of this title."

{*Internal References to 20-20-101:*
13-1-101 }

Section 21. Section 20-20-105, MCA, is amended to read:

"20-20-105. Regular school election day and special school elections -- limitation -- exception. (1) Except as provided in subsection (4), the first Tuesday after the first Monday of May of each year is the regular school election day.

(2) Except as provided in subsections (3) and (4), a proposition requesting additional funding under 20-9-353 may be submitted to the electors only once each calendar year on the regular school election day.

~~(2)~~(3) Subject to the provisions of subsection ~~(1)~~(2), special school elections may be conducted at times determined by the trustees.

(3) In the event of an unforeseen emergency occurring on the date scheduled for the funding election pursuant to subsection ~~(1)~~(2), the district will be allowed to reschedule the election for a different day of the calendar year. As used in this section, "unforeseen emergency" has the meaning provided in 20-3-322(5).

(4) In years when the legislature meets in regular session or in a special session that affects school funding, the trustees may order ~~the~~ an election concerning school funding on a date other than the regular school election day in order for the electors to consider a proposition requesting additional funding under 20-9-353."

{*Internal References to 20-20-105:*
20-3-337 }

Section 22. Section 20-20-106, MCA, is amended to read:

"20-20-106. Poll hours. (1) The polls for any school election in any district shall open not later than noon. The trustees may order the polls to open earlier, but no earlier than 7 a.m.

(2) If the school election is held on the same day as an election held by a political subdivision under 13-1-104(3) and at the same polling place, the polls shall be opened and closed at the times required for the school election.

(3) If the school election is held on the same day as a general or primary election, the polls shall be opened and closed at the times required for the general or primary election.

(4) Once opened, the polls shall be kept open continuously until 8 p.m., except that whenever all the registered electors at any poll have voted, the poll shall be closed immediately."

{*Internal References to 20-20-106:*
13-1-106 20-20-203 }

Section 23. Section 20-20-201, MCA, is amended to read:

"20-20-201. Calling of school election. (1)(a) At A school election, other than a regular school election, called by an entity authorized by law to order an election must be called by resolution at least 40 ? days before any school the election, ~~the trustees of a district shall call the school election by resolution, stating the date and purpose of the election, and shall conduct it in accordance with the procedures required by~~

~~law when:~~

~~— (a) an election must be held on the regular school election day;~~

~~— (b) in their discretion, the trustees order an election for a purpose authorized by law;~~

~~— (c) the county superintendent orders an election in accordance with the law authorizing an order;~~

~~— (d) the board of public education orders an election in accordance with the law authorizing an order;~~

~~— (e) the county commissioners order an election in accordance with the law authorizing an order;~~

~~— (f) the board of trustees of a community college district orders an election in accordance with the law authorizing an order, in which case the community college district shall bear its share of the cost of the election; or~~

~~— (g) a school election is required by law under any other circumstances.~~

(2) The resolution calling any for the school election must specify whether the election is to be conducted in conjunction with a regular school election, primary election, or general election, or is to be a special election.

(3) If the election is to be a special election, the resolution must specify the day of the election.

(4) A resolution calling for an election must be transmitted to the county election administrator no later than 35 ? days before the election in order to enable the administrator to close the registration and prepare the lists of

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As of: January 15, 2014 (7:46pm)

LCele2

~~registered electors as required by school election laws."~~

{*Internal References to 20-20-201:*

20-3-306	20-6-312	20-6-422	20-6-423
20-6-505	20-6-603	20-6-621	20-9-421
20-9-422	20-9-502	20-9-705	20-10-126 }

REPEAL 20-20-202. SEE SECTION 24 AMENDING 20-20-201. DATE SPECIFIED BY RESOLUTION CALLING THE ELECTION.

Section 24. Section 20-20-202, MCA, is amended to read:

"20-20-202. Time limitation for conduct of election.

Whenever the trustees of any district receive an order to call an election, they shall conduct such election any time within 60 days after the date of the order unless the law or order otherwise regulates the day or timing of such election."

{*Internal References to 20-20-202: None.*}

Section 25. Section 20-20-204, MCA, is amended to read:

"20-20-204. Election notice. (1) (a) When the trustees of a district call a special school election, they shall give notice of the election not less than ~~20~~ ? days or more than ~~30~~ ? days before the day of the election by:

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

(ii) posting notices in three public places in the district, provided that in incorporated cities and towns, at least one notice must be posted at a public place in each ward or precinct.

(b) Whenever, in the judgment of the trustees, the best interest of the district will be served by the supplemental

publication of the school election notice in a radio or television broadcast, the trustees may cause that notification to be made.

(2) Notice of a regular school election or other school election to be held in conjunction with a regular school election, primary election, or general election must be provided as required in 13-1-108.

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

- (a) the date and polling places of the election;
- (b) the hours that the polling places will be open;
- (c) each proposition to be considered by the electorate;
- (d) if there are trustees to be elected, the number of positions subject to election and the length of term of each position; and
- (e) where and how absentee ballots may be obtained.

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

{*Internal References to 20-20-204:*
20-6-604 }

Section 26. Section 20-20-311, MCA, is amended to read:

"20-20-311. ~~Closure of Voter~~ registration. Registration Voter registration for school elections shall ~~close for 30 days~~ before any school election, but it shall not be necessary to

~~publish any notice of such closing of registration be as provided in Title 13, chapter 2.~~"

{Internal References to 20-20-311: None.}

Section 27. Section 20-20-312, MCA, is amended to read:

"20-20-312. Listing of registered electors. (1) After closing regular registration, the county election administrator shall prepare a list of registered electors for each polling place established by the trustees. The list for each polling place shall be prepared in the format of a precinct register book.

(2) An electors registering or changing voter registration information after the close of late registration must register at the county court house and provide proof of late registration to an election judge at the polls before voting in the election."

{Internal References to 20-20-312: None.}

Section 28. Section 13-2-304, MCA, is amended to read:

"13-2-304. Late registration -- late changes -- ~~nonapplicability for school elections.~~ (1) Except as provided in subsections (2) and (3), the following provisions apply:

(a) An elector may register or change the elector's voter registration information after the close of regular registration in 13-2-301 and vote in the election if the election administrator in the county where the elector resides receives and verifies the elector's voter registration information prior to the close of the polls on election day.

Unofficial Draft Copy

As of: January 15, 2014 (7:46pm)

LCele2

(b) Late registration is closed from noon to 5 p.m. on the day before the election.

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

(2) If an elector has already been issued a ballot for the election, the elector may change the elector's voter registration information only if the original voted ballot has not been received at the county election office and if the original ballot that was issued is marked by the issuing county as void in the statewide voter registration system prior to the change.

~~(3) The provisions of subsection (1) do not apply with respect to an elector's registration to vote in a school election held pursuant to Title 20 [unless the county election administrator is conducting the school election and an election other than a school election on the same day]. (Bracketed language void on occurrence of contingency--sec. 64, Ch. 336, L. 2013.)"~~

{*Internal References to 13-2-304:*
13-2-301 13-2-301 13-2-514 13-19-207
13-19-207 13-19-303 13-21-104 }

Section 29. Section 20-20-401, MCA, is amended to read:

"20-20-401. Trustees' election duties -- ballot certification. (1) The trustees are the general supervisors of school elections unless the trustees request and the county

election administrator agrees to conduct a school election under 20-20-417.

(2) Not less than 25 days before an election, the clerk of the district shall prepare a certified list of the names of all candidates entitled to be on the ballot and the official wording for each ballot issue. The clerk shall arrange for printing the ballots. Ballots for absentee voting must be printed and available at least 20 days before the election, except as provided in 20-9-426(2) for a bond election not held in conjunction with a school election. Names of candidates on school election ballots need not be rotated.

(3) Before the opening of the polls, the trustees shall cause each polling place to be supplied with the ballots and supplies necessary to conduct the election."

{*Internal References to 20-20-401:*
20-20-417 }

Section 30. Section 20-20-417, MCA, is amended to read:

"20-20-417. Request for county election administrator to conduct election. (1) By June 1 of each year, the trustees of a district may request the county election administrator to conduct certain school elections during the ensuing school fiscal year.

(2) Whenever the county election administrator agrees to conduct a school election, the administrator shall:

(a) perform the duties imposed on the trustees and the clerk of the district for school elections in 20-20-203, 20-20-313, and 20-20-401;

Unofficial Draft Copy

As of: January 15, 2014 (7:46pm)

LCele2

(b) conduct the election in accordance with the provisions of Title 13, chapters 13 and 15; and

(c) deliver to the trustees, for the purpose of canvassing the vote, the certified tally sheets and other items as provided in 13-15-301.

(3) Whenever the trustees request the county election administrator to conduct a school election, the school district shall pay the costs of the election as provided in 13-1-302."

{*Internal References to 20-20-417:*
20-20-401 }

- END -

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