

HOUSE BILL NO. 724

INTRODUCED BY L. SCHUBERT

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE DATE FOR HOLDING PRIMARY ELECTIONS; MOVING THE PRIMARY ELECTION TO THE THIRD TUESDAY IN MAY; MOVING SCHOOL ELECTIONS TO THE THIRD TUESDAY IN APRIL; AND AMENDING ~~SECTION~~ SECTIONS 13-1-107, 13-1-504, AND 20-20-105, MCA."

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

**Section 1.** Section 13-1-107, MCA, is amended to read:

**"13-1-107. Times for holding primary elections -- cost of municipal election.** (1) On the ~~first Tuesday after the first Monday in June~~ third Tuesday in May preceding a general election held in an even-numbered year, a primary election must be held throughout the state.

(2) On the Tuesday following the second Monday in September preceding a general election held in an odd-numbered year, a primary election, if required, must be held throughout the state.

(3) The cost of a municipal election must be paid by the municipality."

**Section 2.** Section 13-1-504, MCA, is amended to read:

**"13-1-504. Dates for special purpose district elections -- call for election.** (1) Except as provided in subsection (2), the following elections for a special purpose district must be held on the same day as the regular school election day established in 20-20-105(1), ~~which is the first Tuesday after the first Monday in May~~:

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

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

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

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

(c) If the special purpose district will be administered by a city, town, or consolidated city-county, the city, town, or consolidated city-county may schedule an election to create, dissolve, or continue a special purpose district on the same day as the general municipal election day.

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

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

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

**Section 3.** 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 (5), the ~~first Tuesday after the first Monday in May~~ third Tuesday in April of each year is the regular school election day.

(2) Except as provided in subsections (4) and (5), a proposition requesting an increase in the over-BASE budget levy under 20-9-353 may be submitted to the electors only once each calendar year on the regular school election day.

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

(4) In the event of an unforeseen emergency occurring on the date scheduled for the funding election pursuant to subsection (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(6).

(5) In years when the legislature meets in regular session or in a special session that affects school funding, the trustees may order an election on a date other than the regular school election day but prior to August 1 in order for the electors to consider a proposition requesting an increase in the over-BASE budget levy under 20-9-353."