

1 HOUSE BILL NO. 406

2 INTRODUCED BY F. NAVE, W. MCKAMEY

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING DEADLINES RELATED TO SCHOOL DISTRICT
5 ELECTIONS; ALIGNING CERTAIN DEADLINES WITH LOCAL GOVERNMENT ELECTIONS HELD ON THE
6 SAME DAY AS A REGULAR SCHOOL ELECTION; AND AMENDING SECTIONS 13-10-211, 20-3-305, 20-20-
7 201, AND 20-20-401, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 **Section 1.** Section 13-10-211, MCA, is amended to read:

12 **"13-10-211. Declaration of intent for write-in candidates.** (1) A person seeking to become a write-
13 in candidate for an office in any election shall file a declaration of intent. Except for a candidate under 13-38-
14 201(4) or a candidate covered under 7-1-205, a candidate may not file for more than one public office. The
15 declaration of intent must be filed with the secretary of state or election administrator, depending on where a
16 declaration of nomination for the desired office is required to be filed under 13-10-201, or with the school district
17 clerk for a school district office. When a county election administrator is conducting the election for a school
18 district, the school district clerk or school district office that receives the declaration of intent shall notify the
19 county election administrator of the filing. Except as provided in 13-1-403, 13-1-503, ~~20-3-305(3)(b)~~, 20-3-305,
20 and subsection (2) of this section, the declaration must be filed no later than 5 p.m. on the 10th day before the
21 earliest date established under 13-13-205 on which a ballot must be available and must contain:

22 (a) the candidate's name, including:

23 (i) the candidate's first and last names;

24 (ii) the candidate's initials, if any, used instead of a first name, or first and middle name, and the
25 candidate's last name;

26 (iii) the candidate's nickname, if any, used instead of a first name, and the candidate's last name;

27 and

28 (iv) a derivative or diminutive name, if any, used instead of a first name, and the candidate's last

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) (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~~ no sooner than 145 days and no later than 85 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 65th day before the ~~ballot certification deadline in 20-20-401 election~~.

(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.

(b) A candidate may not withdraw after 5 p.m. ~~the day before the ballot certification deadline in 20-20-401~~ the candidate filing deadline provided in subsection (2)(a)."

Section 3. Section 20-20-201, MCA, is amended to read:

"20-20-201. Calling of school election. (1) (a) ~~At least 70 days~~ No sooner than 145 days and no later than 85 days before ~~any a regular~~ school election, the trustees of a district or other entity or official authorized by law to call a school election shall call the school election by resolution, stating the date and purpose of each election and whether, pursuant to 13-19-202, ~~any the~~ election is requested to be by mail.

(b) The trustees or other entity described in subsection (1)(a) may amend the resolution provided for in subsection (1)(a) until 70 days prior to the regular school election. This subsection (1)(b) may not be construed to affect the ballot certification deadline concerning the certification of the official wording for each ballot issue as provided in 20-20-401.

(c) At least 70 days prior to a special election, the trustees of a district or other entity or official authorized by law to call a school election shall call the special election by resolution, stating the date and purpose of each election and whether, pursuant to 13-19-202, any election is requested to be by mail.

(2) To enable the county election administrator to manage voter registration and prepare the lists

1 of registered electors:

2 (a) the resolution calling for a school election must be transmitted to the county election

3 administrator no later than 3 days after the resolution is passed; and

4 (b) if the election is to be conducted by mail, the school clerk must also transmit to the county

5 election administrator a copy of the written plan required under 13-19-205 as soon as the plan has been

6 approved by the secretary of state."

7

8 **Section 4.** Section 20-20-401, MCA, is amended to read:

9 **"20-20-401. Trustees' election duties -- ballot certification.** (1) The trustees are the general

10 supervisors of school elections unless the trustees request and the county election administrator agrees to

11 conduct a school election under 20-20-417.

12 (2) Not less than ~~30 days~~ 37 days before an election, the clerk of the district shall certify the ballot

13 by preparing a certified list of the names of all candidates entitled to be on the ballot subject to 13-37-126 and

14 certifying the official wording for each ballot issue. The candidates' names must appear on the ballot in

15 accordance with 13-12-203. The clerk shall arrange for printing the ballots. Ballots for absentee voting must be

16 printed and available at least 20 days before the election. Names of candidates on school election ballots need

17 not be rotated.

18 (3) Before the opening of the polls, the trustees shall cause each polling place to be supplied with

19 the ballots and supplies necessary to conduct the election."

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