

1 H BILL NO. 391
 2 INTRODUCED BY Kessler J. Henderson Holmes Country
 3 Cosby Johnson Mike Gilligan Harrold Palmer
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE Metcalf
 5 ELECTION OF SCHOOL DISTRICT TRUSTEES IN FIRST-CLASS Trusts
 6 ELEMENTARY SCHOOL DISTRICTS LOCATED IN A COUNTY HAVING A
 7 POPULATION GREATER THAN 30,000 BY MEANS OF SINGLE-MEMBER
 8 SUBDISTRICTS; AMENDING SECTIONS 75-5914.1 AND 75-5915,
 9 R.C.M. 1947."

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 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Creation of single-member subdistricts in
 13 certain first-class elementary school districts. (1) Each
 14 first-class elementary school district located within a
 15 county having a population greater than 30,000 shall be
 16 subdivided into as many subdistricts as the school district
 17 has trustees.
 18 (2) One trustee shall be elected from each
 19 subdistrict.
 20 (3) The county commissioners shall determine the
 21 boundaries of each subdistrict and shall make a
 22 redetermination of the boundaries:
 23 (a) whenever two or more districts consolidate;
 24 (b) whenever the district boundary is altered;
 25 (c) whenever there is a change in the number of

1 trustees;
 2 (d) whenever the population of the largest subdistrict
 3 exceeds that of the smallest by 10% or more of the total
 4 population of the school district;
 5 (e) every 10 years.
 6 Section 2. Hearing on determination of boundaries.
 7 Before determining the boundaries of the subdistricts, the
 8 county commissioners shall hold public hearings.
 9 Section 3. Criteria for determination of boundaries.
 10 (1) Each subdistrict shall be as nearly equal in population
 11 as is possible. At the time the boundaries are determined
 12 or redetermined, the population difference between the
 13 largest and smallest subdistrict may not exceed 5% of the
 14 total population of the school district.
 15 (2) The boundaries shall be drawn as nearly as
 16 possible to produce compact subdistricts and to implement
 17 the principle of one man-one vote.
 18 (3) As nearly as possible, subdistrict boundaries
 19 shall coincide with legislative district boundaries and
 20 precinct boundaries.
 21 Section 4. Qualifications of candidate for trustee.
 22 Any person who is qualified to vote in the school district
 23 election is eligible for the office of trustee in any
 24 subdistrict. The candidate need not be a resident of the
 25 subdistrict he seeks to represent. No person may be a

1 candidate in more than one subdistrict.

2 Section 5. Nomination by petition. Any 20 persons
3 qualified to vote in the school district election who are
4 residents of a subdistrict may nominate a trustee candidate
5 for that subdistrict by filing a petition with the clerk of
6 the school district not less than 40 days before the
7 election.

8 Section 6. Ballots. (1) A separate ballot shall be
9 prepared for each subdistrict.

10 (2) The ballot shall show the names of the candidates
11 for trustee of the subdistrict with a square in front of
12 each name. There shall be several blank lines with squares
13 in front to permit write-in votes. The order of the named
14 candidates shall be determined by lot by the clerk of the
15 school district.

16 (3) The elector shall vote by marking a cross in the
17 square in front of the candidate's or write-in candidate's
18 name.

19 Section 7. Conduct of election. (1) The trustees of
20 each first-class elementary school district subject to
21 trustee subdistricting shall call a trustee election on the
22 regular school election day. The trustee election shall be
23 conducted in the manner prescribed for school elections
24 whenever applicable. The trustees in giving the notice
25 required by 75-6409 shall specify which subdistricts will be

1 electing a trustee.

2 (2) A qualified elector must be a resident of a
3 subdistrict to vote for trustee in that subdistrict.

4 Section 8. Transition. (1) The school districts
5 required to be subdistricted by this act shall be divided
6 into subdistricts within 6 months of the effective date of
7 this act by the county commissioners.

8 (2) The county commissioners shall assign each trustee
9 of a district holding office on January 1, 1978, to a
10 subdistrict by lot. When the 3-year term of that trustee
11 expires, the electors of that subdistrict shall commence
12 electing a trustee for the subdistrict.

13 Section 9. Section 75-5914.1, R.C.M. 1947, is amended
14 to read as follows:

15 "75-5914.1. Nomination of candidates by petition in
16 ~~certain~~ first class elementary ~~district districts~~. (1) Any
17 twenty (20) electors qualified under the provisions of
18 section 75-6410 of any first class elementary district,
19 ~~except for a district located in a county having a~~
20 ~~population greater than 30,000,~~ may nominate by petition as
21 many trustee candidates as there are trustee positions
22 subject to election at the ensuing election. The name of
23 each person nominated for candidacy shall be submitted to
24 the clerk of the district not less than forty (40) days
25 before the regular school election day at which he is to be

1 a candidate. If there are different terms to be filled, the
 2 term for which each candidate is nominated shall also be
 3 indicated. The election shall be conducted with the ballot
 4 as specified in section 75-5915."

5 Section 10. Section 75-5915, R.C.M. 1947, is amended
 6 to read as follows:

7 "75-5915. Conduct of election and ballot ~~---exception.~~
 8 (1) The trustees of each district shall call a trustee
 9 election on the regular school election day of each school
 10 fiscal year under the provisions of section 75-6406, except
 11 as provided in section 75-5914.1. The trustees shall call
 12 and conduct the trustee election in the manner prescribed in
 13 this Title for school elections. Any elector qualified to
 14 vote under the provisions of section 75-6410 may vote at a
 15 trustee election. The trustee election ballots shall be
 16 substantially in the following form:

17 OFFICIAL BALLOT

18 SCHOOL TRUSTEE ELECTION

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

22 Vote for (indicate number to be elected) for a three
 23 (3) year term:

24 (List the names of the candidates for a three (3)
 25 year term with a vacant square in front of each name.)

1 Vote for (indicate number to be elected) for a two (2)
 2 year term:

3 (List the names of the candidates for a two (2) year
 4 term with a vacant square in front of each name.)

5 Vote for (indicate number to be elected) for a one (1)
 6 year term:

7 (List the names of the candidates for a one (1) year
 8 term with a vacant square in front of each name.)

9 (2) In preparing the ballots, only those portions of
 10 the prescribed ballot that are applicable to the election to
 11 be conducted need to be used. The ballot also shall be
 12 prepared with blank lines and vacant squares in front of the
 13 lines in a sufficient number to allow write-in voting for
 14 each trustee position that is subject to election.

15 (3) When additional trustees in a high school district
 16 are to be elected, a separate ballot shall be used in each
 17 nominating district showing only the names of those
 18 candidates for which the electors of such district are
 19 entitled to vote.

20 (4) This section does not apply to elections in a
 21 first-class elementary school district located in a county
 22 having a population greater than 30,000."

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