

HOUSE BILL NO. 725

Introduced: 02/11/83

Referred to Committee on Education & Cultural Resources:

02/11/83

Hearing: 2/18/83

Died in Committee

1 House BILL NO. 725
2 INTRODUCED BY Lundquist
3 BY REQUEST OF THE SECRETARY OF STATE
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
6 PROVISIONS OF THE SCHOOL LAWS RELATING TO ELECTIONS; TO
7 PROVIDE FOR ELECTION OF COUNTY AND SCHOOL DISTRICT OFFICERS
8 IN ODD-NUMBERED YEARS; TO INCREASE SCHOOL TRUSTEE TERMS TO 4
9 YEARS; TO PROVIDE A TRANSITION SCHEDULE; AND TO REPEAL
10 SECTIONS 20-20-302, 20-20-303, AND 20-20-311 THROUGH
11 20-20-313, MCA."
12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14 Section 1. Section 13-1-101, MCA, is amended to read:
15 "13-1-101. Definitions. As used in this title, unless
16 the context clearly indicates otherwise, the following
17 definitions apply:
18 (1) "Anything of value" means any goods that have a
19 certain utility to the recipient that is real and that is
20 ordinarily not given away free but is purchased.
21 (2) "Candidate" means:
22 (a) an individual who has filed a declaration or
23 petition for nomination, acceptance of nomination or
24 appointment as a candidate for public office as required by
25 law;

1 (b) for the purposes of chapters 35, 36, or 37, an
2 individual who has publicly announced his intention to seek
3 nomination or election to public office by write-in vote and
4 who has received a contribution or made an expenditure or
5 has given an authorization to another person to receive a
6 contribution or make an expenditure for the purpose of
7 supporting his nomination or election.
8 (3) (a) "Contribution" means:
9 (i) an advance, gift, loan, conveyance, deposit,
10 payment, or distribution of money or anything of value to
11 influence an election;
12 (ii) a transfer of funds between political committees;
13 (iii) the payment by a person other than a candidate or
14 political committee of compensation for the personal
15 services of another person that are rendered to a candidate
16 or political committee.
17 (b) "Contribution" does not mean:
18 (i) services provided without compensation by
19 individuals volunteering a portion or all of their time on
20 behalf of a candidate or political committee or meals and
21 lodging provided by individuals in their private residence
22 for a candidate or other individual;
23 (ii) the cost of any bona fide news story, commentary,
24 or editorial distributed through the facilities of any
25 broadcasting station, newspaper, magazine, or other

1 periodical publication of general circulation;
 2 (iii) the cost of any communication by any membership
 3 organization or corporation to its members or stockholders
 4 or employees, so long as such organization is not a primary
 5 political committee; or
 6 (iv) filing fees paid by the candidate.
 7 (4) "Election" means a general, special, or primary
 8 election held pursuant to the requirements of state law,
 9 regardless of the time and/or purpose.
 10 (5) "Election administrator" means the county clerk
 11 and recorder or the individual designated by a county
 12 governing body to be responsible for all election
 13 administration duties, except that with regard to school
 14 elections, the term means the school district clerk.
 15 (6) "Elector" means an individual qualified and
 16 registered to vote under state law.
 17 (7) (a) "Expenditure" means a purchase, payment,
 18 distribution, loan, advance, promise, pledge, or gift of
 19 money or anything of value made for the purpose of
 20 influencing the results of an election.
 21 (b) "Expenditure" does not mean:
 22 (i) services, food, or lodging provided in a manner
 23 that they are not contributions under subsection (3);
 24 (ii) payments by a candidate for his filing fee or for
 25 personal travel expenses, food, clothing, lodging, or

1 personal necessities for himself and his family;
 2 (iii) the cost of any bona fide news story, commentary,
 3 or editorial distributed through the facilities of any
 4 broadcasting station, newspaper, magazine, or other
 5 periodical publication of general circulation; or
 6 (iv) the cost of any communication by any membership
 7 organization or corporation to its members or stockholders
 8 or employees, so long as such organization is not a primary
 9 political committee.
 10 (8) "General election" means an election held for the
 11 election of public officers throughout the state at times
 12 specified by law, including elections for officers of
 13 political subdivisions when the time of the election is set
 14 on the same date for all similar political subdivisions in
 15 the state.
 16 (9) "Individual" means a human being.
 17 (10) "Issue" or "ballot issue" means a proposal
 18 submitted to the people at an election for their approval or
 19 rejection, including but not limited to initiatives,
 20 referenda, proposed constitutional amendments, recall
 21 questions, school levy questions, bond issue questions, or a
 22 ballot question. For the purposes of chapters 35, 36, and
 23 37, an issue becomes a "ballot issue" upon certification by
 24 the proper official that the legal procedure necessary for
 25 its qualification and placement upon the ballot has been

1 completed, except that a statewide issue becomes an "issue"
2 upon approval by the secretary of state of the form of the
3 petition or referral.

4 (11) "Person" means an individual, corporation,
5 association, firm, partnership, cooperative, committee,
6 club, union, or other organization or group of individuals
7 or a candidate as defined in subsection (2) of this section.

8 (12) "Political committee" means a combination of two
9 or more individuals or a person other than an individual who
10 makes a contribution or expenditure:

11 (a) to support or oppose a candidate or a committee
12 organized to support or oppose a candidate or a petition for
13 nomination; or

14 (b) to support or oppose a ballot issue or a committee
15 organized to support or oppose a ballot issue; or

16 (c) as an earmarked contribution.

17 (13) "Political subdivision" means a county,
18 consolidated municipal-county government, municipality,
19 special district, or any other unit of government, except
20 including school districts, having authority to hold an
21 election for officers or on a ballot issue.

22 (14) "Primary" or "primary election" means an election
23 held throughout the state to nominate candidates for public
24 office at times specified by law, including nominations of
25 candidates for offices of political subdivisions when the

1 time for such nominations is set on the same date for all
2 similar subdivisions in the state.

3 (15) "Public office" means a state, county, municipal,
4 school, or other district office that is filled by the
5 people at an election.

6 (16) "Registrar" means the county election
7 administrator and any regularly appointed deputy or
8 assistant election administrator.

9 (17) "Special election" means an election other than a
10 statutorily scheduled primary or general election held at
11 any time for any purpose provided by law. It may be held in
12 conjunction with a statutorily scheduled election.

13 (18) "Voting machine or device" means any equipment
14 used to record, tabulate, or in any manner process the vote
15 of an elector."

16 Section 2. Section 13-1-104, MCA, is amended to read:

17 "13-1-104. Times for holding general elections. (1) A
18 general election shall be held throughout the state in every
19 even-numbered year on the first Tuesday after the first
20 Monday of November to elect federal officers, state or
21 multicounty district officers, members of the legislature,
22 and judges of the district court--and-county--officers when
23 the terms of such offices will expire before the next
24 scheduled election for the offices or when one of the
25 offices must be filled for an unexpired term as provided by

1 law.

2 (2) A general election shall be held throughout the
3 state in every odd-numbered year on the first Tuesday after
4 the first Monday in November to elect school district
5 officers, county officers, municipal officers, officers of
6 political subdivisions wholly within one county and not
7 required to hold annual elections, and any other officers
8 specified by law for election in odd-numbered years when the
9 term for the offices will expire before the next scheduled
10 election for the offices or when one of the offices must be
11 filled for an unexpired term as provided by law.

12 (3) The general election for any political subdivision
13 required to hold elections annually shall be held on school
14 election day, the first Tuesday of April of each year, and
15 is subject to the election procedures provided for in
16 13-1-401."

17 Section 3. Section 20-20-101, MCA, is amended to read:

18 "20-20-101. Definition. As used in this title, unless
19 the context clearly indicates otherwise, "school election"
20 means any election conducted called by a district or
21 community college district for the purpose of electing
22 trustees, for authorizing taxation, for authorizing the
23 issuance of bonds by an elementary district or a high school
24 district, or for accepting or rejecting any proposition that
25 may be presented to the electorate for decision in

1 accordance with the provisions of this title. A reference in
2 this title to an election for the purpose of regular
3 election of a trustee means the election provided for in
4 13-1-104(2)."

5 Section 4. Section 20-20-102, MCA, is amended to read:

6 "20-20-102. Precedence of school election provisions.
7 Except as otherwise provided in this title, school elections
8 shall be conducted and canvassed and the results shall be
9 returned in the same manner as provided for general
10 elections in Title 13. Should there be a conflict between
11 the requirements of Title 13 and the provisions of this
12 title regulating school elections, the provisions of ~~this~~
13 ~~title~~ Title 13 shall govern. The ~~superintendent of public~~
14 ~~instruction~~ secretary of state may make any necessary rules
15 to clarify Title 13 provisions for use in school elections."

16 Section 5. Section 20-20-104, MCA, is amended to read:

17 "20-20-104. Forms. The forms necessary for school
18 district elections shall be the same as those prescribed by
19 law or the secretary of state. ~~The superintendent of public~~
20 ~~instruction may issue prescribed forms for school elections~~
21 ~~with any necessary revisions of prescribed or statutory~~
22 ~~forms.~~"

23 Section 6. Section 20-20-105, MCA, is amended to read:

24 "20-20-105. Regular school election day and special
25 school elections. The first Tuesday of April of each year

1 shall be the regular school election day for elections
 2 related to voter approval of authorizing taxation or other
 3 matters associated with establishing a budget for the
 4 ensuing fiscal year. Trustee elections must be conducted
 5 under 13-1-104(2). Unless otherwise provided by law, special
 6 school elections may be conducted at such times as
 7 determined by the trustees."

8 Section 7. Section 20-20-107, MCA, is amended to read:

9 "20-20-107. Election expenses. All expenses
 10 necessarily incurred in the matter of holding school
 11 elections shall be paid out of the school funds of the
 12 district, except when such expenses are by law to be shared
 13 by a community college district for which the district is
 14 conducting an election. For elections held under
 15 13-1-104(2), costs must be apportioned as provided in
 16 13-1-302(2). The trustees may pay the election judges of a
 17 school election at a rate not to exceed the prevailing
 18 federal minimum wage per hour of service in connection with
 19 such election."

20 Section 8. Section 20-20-201, MCA, is amended to read:

21 "20-20-201. Calling of school election. (1) At least
 22 40 days before any school election, the trustees of any
 23 district shall call such school election by resolution,
 24 stating the date and purpose of such election, and shall
 25 notify the election administrator, who shall conduct it in

1 accordance with the procedures required by law, when:

2 (a) an election must be held on the regular school
 3 election day;

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

6 (c) the county superintendent orders an election in
 7 accordance with the law authorizing such an order;

8 (d) the board of public education orders an election
 9 in accordance with the law authorizing such an order;

10 (e) the county commissioners order an election in
 11 accordance with the law authorizing such an order;

12 (f) the board of trustees of a community college
 13 district orders an election in accordance with the law
 14 authorizing such an order (in which case the community
 15 college district shall bear its share of the cost of such
 16 election); or

17 (g) a school election is required by law under any
 18 other circumstances.

19 (2) The resolution calling any school election shall
 20 be transmitted to the county election administrator no later
 21 than 35 days before the election in order to enable him to
 22 close the registration and prepare the lists of registered
 23 electors as required by school election laws."

24 Section 9. Section 20-3-301, MCA, is amended to read:

25 "20-3-301. Election and term of office. (1) Every

1 trustee position prescribed by this title shall be subject
2 to election, and the term of office for each position shall
3 be 3 4 years unless it is otherwise specifically prescribed
4 by this title.

5 (2) The trustees shall be composed of the number of
6 trustee positions prescribed for a district by 20-3-341 and
7 20-3-351. When exercising the power and performing the
8 duties of trustees, the members shall act collectively and
9 only at a regular or a properly called special meeting.

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

13 Section 10. Section 20-3-302, MCA, is amended to read:

14 "20-3-302. Legislative intent to elect less---than
15 majority not more than one over half of trustees. (1) It is
16 the intention of the legislature that the terms of a
17 majority not more than one over half of the trustee
18 positions of any district with elected trustees shall not
19 regularly expire and be subject to election on the same
20 regular school election day. ~~Therefore--in--elementary~~
21 ~~districts--there--shall--not--be--more--than--three--trustee~~
22 ~~positions--in--first--class--districts--two--trustee--positions--in~~
23 ~~second--class--districts--or--third--class--districts--having--five~~
24 ~~trustee--positions--or--one--trustee--position--in--third--class~~
25 ~~districts--having--three--trustee--positions--regularly--subject~~

1 ~~to--election--at--the--same--time--in--high--school--districts--there~~
2 ~~shall--not--be--more--than--two--additional--trustee--positions--in~~
3 ~~first--or--second--class--districts--or--more--than--one--in~~
4 ~~third--class--districts--regularly--subject--to--election--at--the~~
5 ~~same--time--in--high--school--districts--operating--a--county--high~~
6 ~~school--there--shall--not--be--more--than--two--trustee--positions~~
7 ~~to--be--filled--by--members--residing--in--the--elementary--district~~
8 ~~where--the--county--high--school--building--is--located--or--more~~
9 ~~than--one--trustee--position--to--be--filled--by--members--residing~~
10 ~~outside--of--the--elementary--district--where--the--county--high~~
11 ~~school--building--is--located--subject--to--election--at--the--same~~
12 ~~time~~

13 (2) While it is the intention of the legislature that
14 the terms of a majority not more than one over half of the
15 trustees of any district shall not regularly expire and be
16 subject to election at the same time, it is recognized that
17 the following circumstances, relating to the terms of
18 trustees appointed to newly created positions or to
19 positions vacated by death, resignation, or operation of
20 law, may lead to a subsequent school election in which a
21 majority more than one over half of the trustee positions
22 are subject to election at the same time:

23 (a) the creation of a new elementary district under
24 the provisions of 20-6-217;

25 (b) the consolidation of two or more elementary

1 districts to form an elementary district under the
2 provisions of 20-6-203;

3 (c) the establishment of additional trustee positions
4 of a high school district under the provisions of 20-3-353
5 or 20-3-354;

6 (d) the change of a district's classification under
7 the provisions of 20-6-201 and 20-6-301;

8 (e) the filling of a trustee position which has become
9 vacant under the provisions of 20-3-308 or any other
10 provision of law;

11 (f) the establishment of additional elementary trustee
12 positions under the provisions of 20-3-341(3); or

13 (g) any other circumstance arising under the law
14 wherein a trustee position is filled by appointment subject
15 to election at the next regular school election."

16 Section 11. Section 20-3-303, MCA, is amended to read:

17 "20-3-303. Term of vacated trustee position after
18 election. Whenever a trustee position is subject to election
19 because a vacancy of such position has occurred since the
20 last regular-school trustee election day, the term of the
21 trustee position shall not change and the member elected to
22 fill such position shall serve the remainder of the
23 unexpired term."

24 Section 12. Section 20-3-304, MCA, is amended to read:

25 "20-3-304. Annual election. In each district an

1 election of trustees shall be conducted ~~annually~~ biennially
2 on the regular-school local general election day, the first
3 Tuesday of--April after the first Monday in November of
4 ~~odd-numbered years as provided in 13-1-104.~~ Election of
5 trustees shall comply with the election provisions of Title
6 13 and this title."

7 Section 13. Section 20-3-305, MCA, is amended to read:

8 "20-3-305. Candidate qualification and nomination. (1)
9 Any person who is qualified to vote in a district under the
10 provisions of 20-20-301 shall be eligible for the office of
11 trustee.

12 (2) Any five electors qualified under the provisions
13 of 20-20-301 of any district, except a first-class
14 elementary district, may nominate as many trustee candidates
15 as there are trustee positions subject to election at the
16 ensuing election. The name of each person nominated for
17 candidacy shall be submitted ~~to the clerk--of--the--district~~
18 ~~not less than 20 days before the regular-school election day~~
19 ~~at which he is to be a candidate as provided in 13-14-113.~~
20 If there are different terms to be filled, the term for
21 which each candidate is nominated shall also be indicated."

22 Section 14. Section 20-3-306, MCA, is amended to read:

23 "20-3-306. Conduct of election. (1) The trustees of
24 each district shall call a trustee election ~~on the regular~~
25 ~~school election day of each school--fiscal--year~~ under the

1 provisions of 20-20-201, except as provided in 20-3-344.
 2 The trustees shall call and conduct the trustee election in
 3 the manner prescribed in this title for school elections and
 4 Title 13. Any elector qualified to vote under the provisions
 5 of 20-20-301 may vote at a trustee election.

6 (2) The trustee election ballots shall be
 7 ~~substantially in the following form conform to the~~
 8 ~~requirements for nonpartisan ballots provided in Title 13,~~
 9 ~~chapter 12, part 2.~~

10 OFFICIAL BALLOT

11 SCHOOL-TRUSTEE-ELECTION

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

15 Vote for (indicate number to be elected) for a 3-year
 16 term.

17 ☐ (list the names of the candidates for a 3-year term
 18 with a vacant square in front of each name)

19 Vote for (indicate number to be elected) for a 2-year
 20 term.

21 ☐ (list the names of the candidates for a 2-year term
 22 with a vacant square in front of each name)

23 Vote for (indicate number to be elected) for a 1-year
 24 term.

25 ☐ (list the names of the candidates for a 1-year term

1 with a vacant square in front of each name)"

2 Section 15. Section 20-3-309, MCA, is amended to read:

3 "20-3-309. Filling vacated trustee position --
 4 appointee qualification and term of office. (1) Whenever a
 5 trustee position becomes vacant in any district, the
 6 remaining members of the trustees shall declare such
 7 position vacant and they shall appoint, in writing within 60
 8 days, a competent person as a successor. The trustees shall
 9 notify the appointee and the county superintendent of such
 10 appointment. If the trustees do not make the appointment
 11 within such 60-day period, the county superintendent shall
 12 appoint, in writing, a competent person as a successor and
 13 notify such person of his appointment.

14 (2) Any person who has been appointed to a trustee
 15 position shall qualify by completing and filing an oath of
 16 office with the county superintendent within 15 days after
 17 receiving notice of his appointment. Failure to file the
 18 oath of office shall constitute a continuation of the
 19 trustee position vacancy which shall be filled under the
 20 provisions of this section.

21 (3) Any person assuming a trustee position under the
 22 provisions of this section shall serve until a successor is
 23 elected at the next regular school trustee election and his
 24 successor has is qualified."

25 Section 16. Section 20-3-321, MCA, is amended to read:

1 "20-3-321. Organization and officers. (1) The trustees
2 of each district shall ~~annually~~ ~~biennially~~ organize as a
3 governing board of the district after the regular election
4 day and after the issuance of the election certificates to
5 the newly elected trustees, but not later than the third
6 Saturday of April ~~January~~. In order to organize, the
7 trustees of the district shall be given notice of the time
8 and place where the organization meeting will be held, and
9 at such meeting they shall choose one of their number as the
10 chairman. In addition, except for the trustees of a high
11 school district operating a county high school, the trustees
12 shall employ and appoint a competent person, who is not a
13 member of the trustees, as the clerk of the district. The
14 trustees of a high school district operating a county high
15 school shall appoint a secretary, who shall be a member of
16 the board.

17 (2) The chairman of the trustees of any district shall
18 serve until the next organization meeting and shall preside
19 at all the meetings of the trustees in accordance with the
20 customary rules of order. He shall perform the duties
21 prescribed by this title and any other duties that normally
22 pertain to such officer."

23 Section 17. Section 20-3-324, MCA, is amended to read:
24 "20-3-324. Powers and duties. As prescribed elsewhere
25 in this title, the trustees of each district shall have the

1 power and it shall be their duty to perform the following
2 duties or acts:

3 (1) employ or dismiss a teacher, principal, or other
4 assistant upon the recommendation of the district
5 superintendent, the county high school principal, or other
6 principal as the board may deem necessary, accepting or
7 rejecting such recommendation as the trustees shall in their
8 sole discretion determine, in accordance with the provisions
9 of Title 20, chapter 4;

10 (2) employ and dismiss administrative personnel,
11 clerks, secretaries, teacher aides, custodians, maintenance
12 personnel, school bus drivers, food service personnel,
13 nurses, and any other personnel deemed necessary to carry
14 out the various services of the district;

15 (3) administer the attendance and tuition provisions
16 and otherwise govern the pupils of the district in
17 accordance with the provisions of the pupils chapter of this
18 title;

19 (4) ~~call, conduct, and certify~~ the elections of the
20 district in accordance with the provisions of the ~~school~~
21 ~~elections chapter of laws governing elections in~~ this title
22 ~~and Title 13;~~

23 (5) participate in the teachers' retirement system of
24 the state of Montana in accordance with the provisions of
25 the teachers' retirement system chapter of Title 19;

1 (6) participate in district boundary change actions in
2 accordance with the provisions of the districts chapter of
3 this title;

4 (7) organize, open, close, or acquire isolation status
5 for the schools of the district in accordance with the
6 provisions of the school organization part of this title;

7 (8) adopt and administer the annual budget or an
8 emergency budget of the district in accordance with the
9 provisions of the school budget system part of this title;

10 (9) conduct the fiscal business of the district in
11 accordance with the provisions of the school financial
12 administration part of this title;

13 (10) establish the ANB, foundation program, permissive
14 levy, additional levy, cash reserve, and state impact aid
15 amount for the general fund of the district in accordance
16 with the provisions of the general fund part of this title;

17 (11) establish, maintain, budget, and finance the
18 transportation program of the district in accordance with
19 the provisions of the transportation parts of this title;

20 (12) issue, refund, sell, budget, and redeem the bonds
21 of the district in accordance with the provisions of the
22 bonds parts of this title;

23 (13) when applicable, establish, financially
24 administer, and budget for the tuition fund, retirement
25 fund, building reserve fund, adult education fund,

1 nonoperating fund, school food services fund, miscellaneous
2 federal programs fund, building fund, housing and dormitory
3 fund, traffic education fund, and interlocal cooperative
4 agreement fund in accordance with the provisions of the
5 other school funds parts of this title;

6 (14) when applicable, administer any interlocal
7 cooperative agreement, gifts, legacies, or devises in
8 accordance with the provisions of the miscellaneous
9 financial parts of this title;

10 (15) hold in trust, acquire, and dispose of the real
11 and personal property of the district in accordance with the
12 provisions of the school sites and facilities part of this
13 title;

14 (16) operate the schools of the district in accordance
15 with the provisions of the school calendar part of this
16 title;

17 (17) establish and maintain the instructional services
18 of the schools of the district in accordance with the
19 provisions of the instructional services, textbooks,
20 vocational education, and special education parts of this
21 title;

22 (18) establish and maintain the school food services of
23 the district in accordance with the provisions of the school
24 food services parts of this title;

25 (19) make such reports from time to time as the county

1 superintendent, superintendent of public instruction, and
2 board of public education may require;

3 {20} retain, when deemed advisable, a physician or
4 registered nurse to inspect the sanitary conditions of the
5 school or the general health conditions of each pupil and,
6 upon request, make available to any parent or guardian any
7 medical reports or health records maintained by the district
8 pertaining to his child;

9 {21} for each member of the trustees, visit each school
10 of the district not less than once each school fiscal year
11 to examine its management, conditions, and needs;

12 {22} procure and display outside daily in suitable
13 weather at each school of the district an American flag
14 which shall be not less than 4 feet by 6 feet; and

15 {23} perform any other duty and enforce any other
16 requirements for the government of the schools prescribed by
17 this title, the policies of the board of public education,
18 or the rules of the superintendent of public instruction."

19 Section 18. Section 20-3-341, MCA, is amended to read:

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

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

1 (2) There shall be five trustee positions in a
2 second-class elementary district.

3 (3) There shall be three trustee positions in a
4 third-class elementary district; however, upon the majority
5 vote of the board of trustees, the number may be increased
6 to five trustee positions at the next trustee election,
7 provided that notice of such action of the board of trustees
8 be published by the clerk of the district in a newspaper of
9 general circulation in the county prior to January July 1 of
10 the year of such trustee election."

11 Section 19. Section 20-3-342, MCA, is amended to read:

12 "20-3-342. Determination of terms after creation or
13 consolidation of elementary districts. Whenever the trustees
14 are elected at one regular-school trustee election under the
15 circumstances described in subsections (2)(a) and (2)(b) of
16 20-3-302, the members who are elected shall draw by lot to
17 determine their terms of office. Such terms of office by
18 trustee position shall be:

19 (1) three for 3 ½ years, two and four for 2 years, and
20 two-for-1-year in a first-class elementary district;

21 (2) two for 3 ½ years, two and three for 2 years, and
22 one-for-1-year in second-class elementary districts and
23 third-class elementary districts having five trustee
24 positions; or

25 (3) one for 3 ½ years, one and two for 2 years, and

1 one-for-1-year in a third-class elementary district having
2 three trustee positions."

3 Section 20. Section 20-3-343, MCA, is amended to read:

4 "20-3-343. Determination of terms after change of
5 district classification. Whenever the change of an
6 elementary district classification requires the addition of
7 trustee positions to the trustees of such district under the
8 circumstance described in 20-3-302(2)(d), the members who
9 are elected shall draw by lot to determine their terms of
10 office which shall be one for 3 1/2 years and one for 2
11 years."

12 Section 21. Section 20-3-344, MCA, is amended to read:

13 "20-3-344. Nomination of candidates by petition in
14 first-class elementary district. Any 20 electors, qualified
15 under the provisions of 20-20-301, of any first-class
16 elementary district may nominate by petition as many trustee
17 candidates as there are trustee positions subject to
18 election at the ensuing election. The name of each person
19 nominated for candidacy shall be submitted to-the--clerk--of
20 the-district-not-less-than-40-days-before-the-regular-school
21 election-day-at-which-he-is-to-be-a-candidate as provided in
22 13-14-113. If there are different terms to be filled, the
23 term for which each candidate is nominated shall also be
24 indicated. The--election-shall-be-conducted-with-the-ballot
25 as-specified-in-20-3-306."

1 Section 22. Section 20-3-355, MCA, is amended to read:

2 "20-3-355. Determination of terms after establishment
3 or reestablishment of additional trustee positions. (1)
4 Whenever all of the additional trustee positions are subject
5 to election at one regular school election under the
6 circumstance described in 20-3-302(2)(c), the members who
7 are elected shall draw by lot to determine their terms of
8 office. Such terms of office by number of members elected
9 shall be:

10 (a) two for 3 1/2 years, if four are elected;

11 (b) one for 3 1/2 years, if one, two, or three are
12 elected;

13 (c) one 1/2 for 2 years, if two, three, or four are
14 elected; and

15 (d) one for 1-year 2-years, if three-or-four 1/2 are
16 elected.

17 (2) Whenever the reestablishment of the additional
18 trustee positions for a high school district under the
19 provisions of 20-3-354 results in an increased number of
20 additional trustee positions, the members who are elected at
21 the next regular-school trustee election shall draw by lot
22 to determine their terms of office and such terms shall be
23 determined in accordance with the additional trustee terms
24 prescribed in this section."

25 Section 23. Section 20-6-203, MCA, is amended to read:

1 "20-6-203. District consolidation. Any two or more
2 elementary districts in one county may consolidate to
3 organize an elementary district. The consolidation shall be
4 conducted under the following procedures:

5 (1) At the time the consolidation proposition is first
6 considered, the districts involved shall jointly determine
7 whether the consolidation shall be made with or without the
8 mutual assumption of the bonded indebtedness of each
9 district by all districts included in the consolidation
10 proposition.

11 (2) A consolidation proposition may be introduced,
12 individually, in each of the districts by either of the two
13 following methods:

14 (a) the trustees may pass a resolution requesting the
15 county superintendent to order an election to consider a
16 consolidation proposition involving their district; or

17 (b) not less than 20% of the electors of an elementary
18 district who are qualified to vote under the provisions of
19 20-20-301 may petition the county superintendent requesting
20 an election to consider a consolidation proposition
21 involving their resident district.

22 (3) When the county superintendent has received a
23 resolution or a valid petition from each of the districts
24 included in the consolidation proposition, he shall, within
25 10 days after the receipt of the last resolution or petition

1 and as provided by 20-20-201, order the trustees of each
2 elementary district included in the consolidation
3 proposition to call a consolidation election.

4 (4) Each district, individually, shall call and
5 conduct an election in the manner prescribed in this title
6 for school elections. In addition:

7 (a) if the districts to be consolidated are to
8 mutually assume the bonded indebtedness of each district
9 involved in the consolidation, the consolidation election
10 also shall follow the procedures prescribed in 20-6-206; or

11 (b) if the districts to be consolidated are not to
12 mutually assume the bonded indebtedness of each district
13 involved in the consolidation, the consolidation election
14 also shall follow the procedures prescribed in 20-6-207.

15 (5) After the county superintendent has received the
16 election certification under the provisions of 20-20-416
17 from---the---trustees---of---each---district---included---in---a
18 consolidation--proposition, he shall determine if the
19 consolidation proposition has been approved in each
20 district. If each district has approved the consolidation
21 proposition, he shall, within 10 days after the receipt of
22 the last election certificate, order the consolidation of
23 such districts. If it be for consolidation with the mutual
24 assumption of bonded indebtedness of each elementary
25 district by all districts included in the consolidation

1 order, such order shall specify that all the taxable real
 2 and personal property of the consolidated district shall
 3 assume the bonded indebtedness of each district. In
 4 addition, such order shall specify the number of the
 5 consolidated elementary district and shall contain the
 6 county superintendent's appointment of the trustees for the
 7 consolidated district who shall serve until a successor is
 8 elected at the next succeeding regular--school trustee
 9 election and is qualified. The superintendent shall send a
 10 copy of such order to the board of county commissioners and
 11 to the trustees of each district incorporated in the
 12 consolidation order.

13 (6) If any district included in the consolidation
 14 proposition disapproves the consolidation proposition, the
 15 consolidation of all districts shall fail, and the county
 16 superintendent shall notify each district of the disapproval
 17 of the consolidation proposition."

18 Section 24. Section 20-6-205, MCA, is amended to read:

19 "20-6-205. Elementary district annexation. An
 20 elementary district may be annexed to another elementary
 21 district located in the same county when one of the
 22 conditions of 20-6-204 is met in accordance with the
 23 following procedure:

24 (1) At the time the annexation proposition is first
 25 considered, the districts involved shall jointly determine

1 whether the annexation shall be made with or without the
 2 joint assumption of the bonded indebtedness of the annexing
 3 district by the district to be annexed and the annexing
 4 district.

5 (2) An annexation proposition may be introduced in the
 6 district to be annexed by either of the two following
 7 methods:

8 (a) the trustees may pass a resolution requesting the
 9 county superintendent to order an election to consider an
 10 annexation proposition for their district; or

11 (b) not less than 20% of the electors of the district
 12 who are qualified to vote under the provisions of 20-20-301
 13 may petition the county superintendent requesting an
 14 election to consider an annexation proposition for their
 15 district.

16 (3) Before ordering an election on the proposition,
 17 the county superintendent shall first receive from the
 18 trustees of the annexing district a resolution giving him
 19 the authority to annex such district.

20 (4) When the county superintendent has received
 21 authorization from the annexing district, he shall, within
 22 10 days after the receipt of the resolution or a valid
 23 petition from the district to be annexed and as provided by
 24 20-20-201, order the trustees of the district to be annexed
 25 to call an annexation election.

(5) The district shall call ~~and conduct~~ an election in the manner prescribed in this title for school elections. In addition:

(a) if the district to be annexed is to jointly assume with the annexing district the bonded indebtedness of the annexing district, the annexation election shall also follow the procedures prescribed in 20-6-206; or

(b) if the district to be annexed is not to jointly assume with the annexing district the bonded indebtedness of the annexing district, the annexation election shall also follow the procedures prescribed in 20-6-207.

(6) After the county superintendent has received the election certificate ~~from the trustees of the district conducting the annexation election~~ under the provisions of 20-20-416 and if the annexation proposition has been approved by such election, he shall order the annexation of the territory of the elementary district voting on such proposition to the elementary district that has authorized the annexation to its territory. Such order shall be issued within 10 days after the receipt of the election certificate and, if it be for annexation with the assumption of bonded indebtedness, shall specify that all the taxable real and personal property of the annexed territory shall jointly assume with the annexing district the existing bonded indebtedness of the annexing district. The county

superintendent shall send a copy of the order to the board of county commissioners and to the trustees of the districts involved in the annexation order.

(7) If the annexation proposition is disapproved in the district to be annexed, it shall fail and the county superintendent shall notify each district of the disapproval of the annexation proposition."

Section 25. Section 20-6-206, MCA, is amended to read:
 "20-6-206. Consolidation or annexation election with assumption of bonded indebtedness. A consolidation election involving the mutual assumption of bonded indebtedness by the elementary districts to be consolidated, as prescribed in 20-6-203, or an annexation election involving the joint assumption of bonded indebtedness by the elementary district to be annexed, as prescribed in 20-6-205, shall comply with the following procedures in addition to those prescribed by ~~this title~~ for other school elections:

(1) In a consolidation election the ballots shall read, after stating the consolidation proposition, "FOR consolidation with assumption of bonded indebtedness" and "AGAINST consolidation with assumption of bonded indebtedness".

(2) In an annexation election the ballots shall read, after stating the annexation proposition, "FOR annexation with assumption of bonded indebtedness" and "AGAINST

1 annexation with assumption of bonded indebtedness".

2 (3) Any elector qualified to vote under the provisions
3 of 20-20-301 may vote.

4 (4) When the trustees--~~in each elementary district~~
5 ~~conducting an election canvass~~ the vote is canvassed under
6 the provisions of 20-20-415, they ~~the board of canvassers~~
7 shall decide, according to the following procedure, if the
8 proposition has been approved:

9 (a) determine if a sufficient number of the qualified
10 electors of the district have voted to validate the election
11 and have voted to approve the election proposition in the
12 same manner required for bond elections by 20-9-428; and

13 (b) when the proposition is approved under subsection
14 (4)(a), determine the number of votes "FOR" and "AGAINST"
15 the proposition.

16 (5) The proposition shall be approved in the district
17 if a majority of those voting approve the proposition. If
18 the proposition is disapproved under either the provisions
19 of subsection (4)(a) or (4)(b), the proposition shall be
20 disapproved in the district."

21 Section 26. Section 20-6-211, MCA, is amended to read:

22 "20-6-211. Joint elementary district dissolution. (1)
23 Any joint elementary district may be dissolved. A
24 proposition to dissolve a joint elementary district shall be
25 introduced by a petition signed by a majority of the

1 electors, qualified under the provisions of 20-20-301, who
2 reside in the territory of the joint district that is
3 located within one county. Such petition shall be addressed
4 and presented to the county superintendent of the county of
5 residence of the petitioners.

6 (2) Whenever a county superintendent receives a valid
7 petition for the dissolution of a joint elementary district,
8 he shall immediately notify the county superintendents of
9 all the other counties with territory located in the joint
10 district. The county superintendents jointly shall, within
11 10 days after the receipt of the petition and as provided by
12 20-20-201, order the trustees of the joint district to call
13 an election. The trustees shall call ~~and conduct~~, at the
14 same time, separate elections in each portion of the joint
15 district that is located in a separate county. Such
16 elections shall be called and conducted in the manner
17 prescribed in this title for school elections and shall be
18 considered as if each were an election in a separate
19 district. An elector who may vote at a joint district
20 dissolution election shall be qualified to vote under the
21 provisions of 20-20-301. The election judges for each
22 separate election in the joint district shall send the
23 election certificate to the county superintendent of the
24 county in which they serve.

25 (3) After the receipt of the election certificates,

1 the county superintendents shall jointly determine the
2 result of such election on the following basis:

3 (a) if a majority of all the joint district electors
4 voting at each election conducted in the joint district are
5 in favor of the dissolution of the joint district, the
6 dissolution of the joint elementary district shall be
7 approved;

8 (b) if two-thirds of the electors voting at one of the
9 elections conducted in a county's portion of the joint
10 district vote in favor of the joint district dissolution,
11 the dissolution of that portion of such joint district may
12 be approved if all the county superintendents involved in
13 such dissolution proposition agree that such dissolution
14 will not place an undue hardship on any other county's
15 portion of the joint district and there is no good and
16 sufficient reason why such dissolution should not be made;
17 or

18 (c) if the conditions of either subsection (a) or (b)
19 cannot be satisfied, the dissolution of the joint district
20 shall be disapproved.

21 (4) The county superintendents shall jointly order the
22 joint elementary district dissolution if the proposition is
23 approved and, whether it has been approved or disapproved,
24 shall jointly notify the joint district of the result. The
25 dissolution of a joint district shall become effective on

1 the first day of the ensuing school fiscal year.

2 (5) When the dissolution of a joint elementary
3 district has been approved and ordered under subsection
4 (3)(a) above, the county superintendent of each county shall
5 individually order the attachment of the territory of the
6 dissolved joint elementary district within his county to a
7 contiguous elementary district within his county except when
8 a school is operated in such territory, in which case the
9 territory shall operate as a separate elementary district of
10 the county.

11 (6) When the dissolution of a joint elementary
12 district has been approved and ordered under the provisions
13 of subsection (3)(b) above, the county superintendent of the
14 county where the dissolved portion of the joint elementary
15 district is located shall attach such territory to a
16 contiguous elementary district within his county.

17 (7) In the event a dissolution proposition is
18 disapproved, no subsequent joint elementary district
19 dissolution election shall be held within 3 years
20 thereafter."

21 Section 27. Section 20-6-304, MCA, is amended to read:
22 "20-6-304. High school boundary commission --
23 procedure for boundary change, division, or redivision. (1)
24 Each county of the state of Montana shall have a high school
25 boundary commission consisting of the board of county

1 commissioners and the county superintendent. Whenever a
 2 county superintendent receives a resolution from the
 3 trustees of any high school district requesting a boundary
 4 change or a request to divide or redivide the county into
 5 high school districts, he shall immediately notify the high
 6 school boundary commission. Such commission shall set a
 7 time, date, and place for a public hearing on the request.
 8 The hearing shall be set for a date within 60 days after the
 9 receipt of the request, and any interested person may appear
 10 and be heard on such request. The county superintendent
 11 shall send a written notice of the public hearing on a
 12 requested boundary change, division, or redivision to the
 13 trustees of each elementary and high school district of the
 14 county which has territory that would be affected by the
 15 change. The county superintendent shall also give notice of
 16 such public hearing ~~in accordance with the requirement for~~
 17 ~~school election notices prescribed by school election~~
 18 ~~provisions of this title not less than 20 days or more than~~
 19 ~~30 days before the day of the hearing by posting notice in~~
 20 ~~each precinct and by any other suitable means.~~ The
 21 certificate of the county superintendent filed with the high
 22 school boundary commission reciting that such notice
 23 requirements have been satisfied shall be conclusive.

24 (2) In considering a request to change high school
 25 district boundaries or to divide or redivide the county into

1 high school districts, the high school boundary commission
 2 shall give primary consideration to the convenience of the
 3 high school pupils of the territory under consideration.
 4 Such commission also shall consider the grouping of
 5 elementary districts to be encompassed by a high school
 6 district or districts and shall group contiguous elementary
 7 districts within a high school district unless obstacles of
 8 travel, such as mountains, rivers, impractical routes of
 9 travel, or distance, make such grouping impractical. After
 10 the hearing, the high school boundary commission may grant
 11 or deny any request made under the provisions of 20-6-302
 12 for a high school district boundary change but shall order
 13 the division of the county into high school districts
 14 whenever requested under the provisions of 20-6-303. In the
 15 latter case the commission's discretion shall extend only to
 16 the establishing of boundaries for the newly created high
 17 school district or districts."

18 Section 28. Section 20-6-309, MCA, is amended to read:

19 "20-6-309. Procedure for organization of joint high
 20 school district. The high school district boundary changes
 21 permitted under 20-6-308 shall be made according to the
 22 following procedure:

23 (1) A majority of the electors of a joint elementary
 24 district who are qualified to vote under the provisions of
 25 20-20-301 and who reside in a county where the elementary

school is not located may petition the county superintendent of their resident county to transfer the territory of the joint elementary district where they reside to establish a joint high school district. Such petition also shall state the reasons for requesting such a boundary change and the number of high school pupils residing in the territory.

(2) When the county superintendent receives a valid petition requesting the establishment of a joint high school district, he shall set a time, date, and place for a public hearing on the request which is not more than 40 days after the receipt of the petition. He shall give notice of such hearing ~~in accordance with the election requirements for school election notices prescribed by school election provisions of this title not less than 20 days or more than 30 days before the day of the hearing by posting notice in each precinct and by any other suitable means.~~ The county superintendent shall also notify the county superintendent of the county where the high school is located and the trustees of the high school district.

(3) The county superintendent shall hear the request to change the high school district boundaries at the place, time, and date set for the hearing, and any interested person may appear and be heard on the request. If the county superintendent deems it advisable and in the best interests of the residents of the territory to be transferred, he

shall grant the petitioned request and order the change of high school boundaries to establish a joint high school district. Otherwise, he shall, by order, deny the request.

(4) If the county superintendent orders the establishment of a joint high school district, he shall immediately send the order to the county superintendent of the county where the high school is located. If the county superintendent of such county approves the order, he shall send such order to the trustees of the high school district. If the trustees approve the order, the boundary change shall become effective. Without the approval of such county superintendent and trustees, the boundary change shall fail.

(5) At any time within 30 days after the date of the county superintendent's order to grant or deny the request to establish a joint high school district, an appeal may be made to the board of county commissioners of the county in which the petition originated. The board of county commissioners shall conduct a hearing for the appeal, and their decision shall be final, subject to the approvals required by subsection (4)."

Section 29. Section 20-6-312, MCA, is amended to read:

"20-6-312. County high school unification. (1) Any county high school may be unified with the elementary district where the county high school building is located to establish a unified school system under a unified board of

1 trustees. If the county has not been divided into high
 2 school districts, a high school district with boundaries
 3 coterminous with the county boundaries shall be created,
 4 except that such high school district shall not include the
 5 territory of any existing joint high school district located
 6 in the county. The territory of an existing joint high
 7 school district shall remain a part of such joint high
 8 school district. The creation of high school districts under
 9 this provision shall be in lieu of the high school district
 10 division provisions of 20-6-303.

11 (2) A proposition to unify a county high school with
 12 the elementary district where the county high school
 13 building is located shall be introduced whenever:

14 (a) the trustees of the county high school and the
 15 trustees of the elementary district individually pass
 16 resolutions requesting the county superintendent to order an
 17 election to consider a unification proposition; or

18 (b) not less than 20% of the electors of the county
 19 or, if the county has been divided into high school
 20 districts, the electors of the high school district where
 21 the county high school is located, and who are qualified to
 22 vote under the provisions of 20-20-301, petition the county
 23 superintendent to order an election to consider a
 24 unification proposition.

25 (3) When the county superintendent has received the

1 trustees' resolutions or a valid petition, he shall, within
 2 10 days after the receipt of the last resolution or petition
 3 and under the provisions of 20-20-201, order the county high
 4 school to call an election to consider a unification
 5 proposition. The trustees of the county high school shall
 6 call and conduct an election in the manner prescribed in
 7 this title for school elections. An elector who may vote on
 8 the unification proposition shall be qualified to vote under
 9 the provisions of 20-20-301. The ballot for a county high
 10 school unification proposition shall be substantially in the
 11 following form:

12 *OFFICIAL BALLOT

13 COUNTY HIGH SCHOOL UNIFICATION

14 ELECTION

15 Shall County High School be unified with District
 16 No., County to establish a unified school system
 17 under a unified board of trustees?

18 ☐ FOR the unification of the county high school.

19 ☐ AGAINST the unification of the county high school."

20 (4) When the county superintendent receives the
 21 election certificate from the trustees of the county high
 22 school, he shall issue an order declaring the unification of
 23 the county high school with the elementary district
 24 identified on the ballot as of the next succeeding July 1,
 25 if a majority of those electors voting at such election have

1 voted for the unification proposition.

2 (5) If a majority of those electors voting at the
3 election have voted against the unification proposition, he
4 shall order the disapproval of the unification proposition."

5 Section 30. Section 20-9-428, MCA, is amended to read:

6 "20-9-428. Determination of approval or rejection of
7 proposition at bond election. (1) When ~~the trustees canvass~~
8 the vote of a school district bond election is canvassed
9 under the provisions of 20-20-415, they the board of
10 canvassers shall determine the approval or rejection of the
11 school bond proposition in the following manner:

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

16 (b) determine the total number of qualified electors
17 who voted at the school bond election from the tally sheet
18 or sheets for such election;

19 (c) calculate the percentage of qualified electors
20 voting at the school bond election by dividing the amount
21 determined in subsection (1)(b) by the amount determined in
22 subsection (1)(a); and

23 (d) when the calculated percentage in subsection
24 (1)(c) is 40% or more, the school bond proposition shall be
25 deemed to have been approved and adopted if a majority of

1 the votes shall have been cast in favor of such proposition,
2 otherwise it shall be deemed to have been rejected; or

3 (e) when the calculated percentage in subsection
4 (1)(c) is more than 30% but less than 40%, the school bond
5 proposition shall be deemed to have been approved and
6 adopted if 60% or more of the votes shall have been cast in
7 favor of such proposition, otherwise it shall be deemed to
8 have been rejected; or

9 (f) when the calculated percentage in subsection
10 (1)(c) is 30% or less, the school bond proposition shall be
11 deemed to have been rejected.

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

18 Section 31. Section 20-15-203, MCA, is amended to
19 read:

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

1 organizational requirements.

2 (2) If the regents determine that the petition
3 satisfies such requirements, the regents shall order the
4 elementary districts encompassed by the proposed community
5 college district to conduct call an election on the
6 community college district organization proposition. Such
7 election shall be held on the next succeeding regular-school
8 trustee election day, except that an election required by a
9 petition received by the regents less than 60 days before
10 the regular-school trustee election day shall be held at the
11 regular school election in the following school fiscal year.

12 (3) At such election the proposition shall be in
13 substantially the following form:

14 PROPOSITION

15 Shall there be organized within the area comprising the
16 School Districts of (elementary districts shall be
17 listed by county); State of Montana, a community college
18 district for the offering of 13th- and 14th-year courses, to
19 be known as the Community College District of, Montana,
20 under the provisions of the laws authorizing community
21 college districts in Montana, as prayed in the petition
22 filed with the Board of Regents at Helena, Montana, on the
23 day of, 19...?

24 ☐ FOR organization.

25 ☐ AGAINST organization."

1 Section 32. Section 20-15-204, MCA, is amended to
2 read:

3 "20-15-204. Election of trustees -- districts from
4 which elected -- terms of office. (1) The regents shall
5 provide for the election of trustees of the proposed
6 community college district at the election held for the
7 approval of its organization. Seven trustees shall be
8 elected at large, except that should there be in such
9 proposed community college district one or more high school
10 districts or part of a high school district within the
11 community college district with more than 43% and not more
12 than 50% of the total population of the proposed district,
13 as determined by the last census, then each such district or
14 part of district shall elect three trustees and the
15 remaining trustees shall be elected at large from the
16 remainder of the proposed community college district. Should
17 any such high school district or such part of a high school
18 district have more than 50% of the population of the
19 proposed district, then four trustees shall be elected from
20 such high school district or such part of high school
21 district and three trustees at large from the remainder of
22 the proposed community college district.

23 (2) If the trustees are elected at large throughout
24 the entire proposed community college district, the three
25 receiving the greatest number of votes shall be elected for

1 a term of 3 ½ years, ~~the two receiving the next greatest~~
 2 ~~number of votes for a term of 2 years,~~ and the two four
 3 receiving the next greatest number of votes, for a term of 1
 4 year 2 years. If the trustees are elected in any manner
 5 other than at large throughout the entire proposed community
 6 college district, then the trustees elected shall determine
 7 by lot the three who shall serve for 3 ½ years, ~~the two who~~
 8 ~~shall serve for 2 years,~~ and the two four who shall serve
 9 for 1-year 2 years. Thereafter, all trustees elected shall
 10 serve for terms of 3 years each."

11 Section 33. Section 20-15-206, MCA, is amended to
 12 read:

13 "20-15-206. Nomination of candidates and provision of
 14 sample ballot. (1) Nominations of candidates for the trustee
 15 positions must be filed ~~with the regents at least 30 days~~
 16 ~~prior to the date of the election as provided in 13-14-113.~~
 17 Any five qualified electors may file nominations of as many
 18 persons as are to be elected to the board of trustees of the
 19 proposed community college district from their respective
 20 community college trustee election areas.

21 (2) The regents shall provide the trustees election
 22 administrator of each district ~~ordered to~~ county in which
 23 conduct the community college district organization election
 24 will be conducted with a sample of the ballot for the
 25 election of the board of trustees. Such sample ballot shall

1 be reproduced by the trustees in a sufficient number -- to -- be
 2 used as by the election administrator in preparation of the
 3 trustee election ballot."

4 Section 34. Section 20-15-208, MCA, is amended to
 5 read:

6 "20-15-208. Conduct of election. The election for the
 7 organization of the community college district and the
 8 election of trustees for such community college district
 9 shall be conducted, in accordance with the school election
 10 laws, ~~by the trustees of the elementary districts ordered to~~
 11 ~~each such election.~~ The cost of conducting such election
 12 shall be borne by the districts."

13 Section 35. Section 20-15-219, MCA, is amended to
 14 read:

15 "20-15-219. Qualifications for office of trustee --
 16 nominating petitions. (1) Any person who is qualified to
 17 vote in a community college district under the provisions of
 18 20-20-301 is eligible for the office of community college
 19 trustee.

20 (2) Any five electors of a community college district
 21 qualified under the provisions of 20-20-301 may nominate as
 22 many trustee candidates as there are trustee positions
 23 subject to election at the ensuing election. A nominating
 24 petition containing the signatures of the five electors and
 25 the name of each person nominated for candidacy must be

1 submitted to the election clerk designated by the board of
 2 trustees no less than 30 days before the regular school
 3 election day at which he is to be a candidate as provided in
 4 13-14-113. If there are different terms to be filled, the
 5 term for which each candidate is nominated must also be
 6 indicated."

7 Section 36. Section 20-15-220, MCA, is amended to
 8 read:

9 "20-15-220. Trustee election ballot. (1) The trustee
 10 election ballot must be substantially in the following form
 11 conform to the requirements for nonpartisan ballots provided
 12 in Title 13, chapter 12, part 2.

13 **Official Ballot**

14 **Community College Trustee Election**

15 **Instructions to Voters**

16 Make an "X" or similar mark in the vacant square before
 17 the name of the candidate for whom you wish to vote.

18 Vote for (indicate number to be elected) for a 3-year
 19 term.

20 ----- List the names of the candidates
 21 for the 3-year term with a vacant
 22 square in front of each name.

23 Vote for (indicate number to be elected) for a 2-year
 24 term.

25 ----- List the names of the candidates

1 for the 2-year term with a vacant
 2 square in front of each name.
 3 Vote for (indicate number to be elected) for a 1-year
 4 term.
 5 ----- List the names of the candidates
 6 for the 1-year term with a vacant
 7 square in front of each name.
 8 (2) In preparing the ballots, only those portions of
 9 the prescribed ballot that are applicable to the election to
 10 be conducted need be used. The ballot must also be prepared
 11 with blank lines and vacant squares in front of the lines in
 12 a sufficient number to allow write-in voting for each
 13 trustee position that is subject to elections."

14 Section 37. Section 20-15-221, MCA, is amended to
 15 read:

16 "20-15-221. Election of trustees after organization of
 17 community college district. (1) After organization, the
 18 registered electors of the community college district
 19 qualified to vote under the provisions of 20-20-301 shall
 20 annually biennially vote for trustees on the regular school
 21 trustee election day provided for in 20-3-304. The election
 22 shall be conducted in accordance with the election
 23 provisions of this title whenever such provisions are made
 24 applicable to community college districts. Such elections
 25 shall be conducted by the component elementary school

1 ~~districts--within-such election administrator in each county~~
 2 ~~that includes a portion of the~~ community college district
 3 upon the order of the board of trustees of the community
 4 college district. ~~The order--shall--be--transmitted--to--the~~
 5 ~~appropriate--trustees--not--less--than--40--days--prior--to--the~~
 6 ~~regular-school-election-days~~

7 (2) Notice of the community college district trustee
 8 election shall be given by the board of trustees of the
 9 community college district by publication in one or more
 10 newspapers of general circulation within each county, not
 11 less than once a week for 2 consecutive weeks, the last
 12 insertion to be no more than 1 week prior to the date of the
 13 election. ~~This--notice--shall--be--in--addition--to--the--election~~
 14 ~~notice--to--be--given--by--the--trustees--of--the--component~~
 15 ~~elementary-districts-under-the-school-election-laws~~

16 (3) Should trustees be elected other than at large
 17 throughout the entire district, then only those qualified
 18 voters within the area from which the trustee or trustees
 19 are to be elected shall cast their ballots for the trustee
 20 or trustees from that area. In addition to the nominating
 21 petition required by 20-15-219(2), all candidates for the
 22 office of trustee shall file their declarations of candidacy
 23 ~~with-the-secretary-of-the-board-of-trustees-of-the-community~~
 24 ~~college--district-not-less-than-30-days-prior-to-the-date-of~~
 25 ~~elections--if--an--electronic-voting-system-or-voting--machines~~

1 ~~are--not-used-in-the-component-elementary-school-district-or~~
 2 ~~districts-which-conduct-the-elections--the-board-of--trustees~~
 3 ~~of--the-community-college-district-shall-cause-ballots-to-be~~
 4 ~~printed-and-distributed--for--the--polling--places--in--such~~
 5 ~~component--districts-at-the-expense-of-the-community-college~~
 6 ~~districts-but-in-all-other-respects-said-elections-shall--be~~
 7 ~~conducted--in--accordance--with--the-school-election-laws as~~
 8 ~~provided in 13-14-113.~~ All costs incident to election of the
 9 community college trustees shall be borne by the community
 10 college district, ~~including one-half of the compensation of~~
 11 ~~the judges for the school elections; provided--that--if--the~~
 12 ~~election--of--the-community-college-district-trustees-is-the~~
 13 ~~only election--conducted--the--community--college--district~~
 14 ~~shall--compensate--the--district--for--the-total-cost-of-the~~
 15 ~~election."~~

16 Section 38. Section 20-15-222, MCA, is amended to
 17 read:

18 "20-15-222. Results of election -- qualifying oath --
 19 term of office. (1) When the board of trustees of the
 20 community college district has received all the certified
 21 results of the election from--the--component--elementary
 22 districts, the then-qualified members of the board of
 23 trustees of such community college district shall tabulate
 24 the results so received, shall declare and certify the
 25 candidate or candidates receiving the greatest number of

1 votes to be elected to the position or positions to be
2 filled, and shall declare and certify the results of the
3 votes cast on any proposition presented at such election.

4 (2) (a) No person who receives a certificate of
5 election as a community college trustee may assume the
6 trustee position until he has qualified by taking an oath of
7 office prescribed by the constitution of Montana at the next
8 regularly scheduled meeting of the board of trustees after
9 receipt of the certificate of election.

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

14 (3) After a person has qualified for a trustee
15 position, he shall hold such position for the term of the
16 position and until his successor has been elected or
17 appointed and has been qualified."

18 Section 39. Section 20-15-224, MCA, is amended to
19 read:

20 "20-15-224. Board of trustees -- organization,
21 meetings, quorum, mileage, and seal. (1) (a) The trustees of
22 each community college district shall ~~annually~~ biennially
23 organize as a governing board of the community college
24 district at the next regularly scheduled meeting after the
25 regular ~~trustee~~ election day and after the issuance of the

1 election certificate to the newly elected trustees.

2 (b) In order to organize, the trustees of the
3 community college district shall be given notice by the
4 coordinator of the time and place where the organization
5 meeting will be held, and at such meeting they shall choose
6 one of their members as chairman and as secretary. In
7 addition, the trustees may employ or appoint a competent
8 person who is not a member of the trustees as the clerk of
9 the community college district.

10 (c) The chairman and secretary of the trustees of the
11 community college district shall serve until the next
12 organization meeting. The chairman shall preside at all
13 meetings of the trustees in accordance with the customary
14 rules of order. He shall perform the duties prescribed by
15 this title and any other duties that normally pertain to
16 such office.

17 (2) The board of trustees of the community college
18 shall hold monthly meetings within the community college
19 district on such day of the month the trustees may set. The
20 president and secretary of the board or a majority of the
21 board may also call special meetings of the board of
22 trustees at any time and place within the community college
23 district if in their judgment necessity requires it. The
24 secretary of the board shall give each member a 48-hour
25 written notice of all special meetings.

1 (3) A majority of the board of trustees shall
 2 constitute a quorum for the transaction of business, except
 3 that no contract shall be let, teacher employed or
 4 dismissed, or bill approved unless a majority of the total
 5 board membership shall vote in favor of such action.

6 (4) A member of the board of trustees shall receive
 7 mileage as provided for in 2-18-503 for the distance
 8 necessarily traveled in going to and returning from the
 9 place of the meeting and his place of residence each day
 10 that such trip is actually made.

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

13 Section 40. Section 20-15-225, MCA, is amended to
 14 read:

15 "20-15-225. Powers and duties of trustees. (1) The
 16 trustees of a community college district shall, subject to
 17 supervision by the board of regents:

18 (a) have general control and supervision of the
 19 community college;

20 (b) adopt rules, not inconsistent with the
 21 constitution and the laws of the state, for the government
 22 and administration of the community college;

23 (c) grant certificates and degrees to the graduates of
 24 the community college;

25 (d) keep a record of their proceedings;

1 (e) when not otherwise provided by law, have control
 2 of all books, records, buildings, grounds, and other
 3 property of the community college;

4 (f) receive from the state board of land
 5 commissioners; other boards, agencies, or persons; or the
 6 government of the United States all funds, income, and other
 7 property the community college may be entitled to receive or
 8 accept and use and appropriate the property for the specific
 9 purpose of the entitlement, grant, or donation;

10 (g) have general control of all receipts and
 11 disbursements of the community college;

12 (h) appoint and dismiss a president and faculty for
 13 the community college; appoint and dismiss any other
 14 necessary officers, agents, and employees; fix their
 15 compensation; and set the terms and conditions of their
 16 employment;

17 (i) administer the tuition provision and otherwise
 18 govern the students of the community college district in
 19 accordance with the provisions of this chapter;

20 (j) call and conduct the elections of the district in
 21 accordance with the school election chapter of this title;

22 (k) participate in the teachers' retirement system of
 23 the state of Montana in accordance with the provisions of
 24 the teachers' retirement system chapter of this title;

25 (l) establish employee benefits, other than retirement

benefits, and fix their limits in accordance with 2-18-701 through 2-18-704; and

(m) participate in district boundary change actions in accordance with the provisions of the district organization chapter of this title.

(2) The trustees of a community college district shall hold in trust all real and personal property of the district for the benefit of the college and students.

(3) The trustees of a community college district may enter into agreements with the western interstate commission for higher education, or similar intrastate, interstate, or international agreements, for the benefit of the district and students."

NEW_SECTION. Section 41. Transition. The election dates and terms of officers affected by this act must be altered as follows:

(1) A school trustee term that would have expired in April 1984 is extended until a successor is elected at the local government election in November 1985 and is qualified.

(2) A school trustee term that would have expired in April 1985 is extended until a successor is elected at the local government election in November 1985 and is qualified.

(3) A school trustee term that would have expired in April 1986 is extended until a successor is elected at the local government election in November 1987 and is qualified.

(4) If a school trustee election scheduled as provided in this section results in placing more than one over half of the board on the ballot at the same time, the number of positions on the ballot that are in excess of one over half must be set for election to two-year terms.

(5) A county official term that would have expired in 1984 is shortened to expire when a successor is elected at the local government election in November 1983 and is qualified.

(6) A county official term that would have expired in 1986 is shortened to expire when a successor is elected at the local government election in November 1985 and is qualified.

(7) A county official term that would have expired in 1988 is shortened to expire when a successor is elected at the local government election in November 1987 and is qualified.

NEW_SECTION. Section 42. Repealer. Sections 20-20-302, 20-20-303, and 20-20-311 through 20-20-313, MCA, are repealed.

NEW_SECTION. Section 43. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from

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1 the invalid applications.

-End-