

HOUSE BILL NO. 121
INTRODUCED BY KADAS

IN THE HOUSE

JANUARY 9, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

JANUARY 20, 1987 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 21, 1987 PRINTING REPORT.

JANUARY 22, 1987 SECOND READING, DO PASS.

JANUARY 23, 1987 ENGROSSING REPORT.

 THIRD READING, PASSED.
 AYES, 97; NOES, 0.

 TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 26, 1987 INTRODUCED AND REFERRED TO COMMITTEE
ON EDUCATION & CULTURAL RESOURCES.

MARCH 13, 1987 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 17, 1987 SECOND READING, CONCURRED IN.

MARCH 19, 1987 THIRD READING, CONCURRED IN.
AYES, 49; NOES, 0.

 RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 26, 1987 RECEIVED FROM SENATE.

 SECOND READING, AMENDMENTS
CONCURRED IN.

MARCH 27, 1987

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

1 H.B. BILL NO. 121
2 INTRODUCED BY Kadon

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING
5 TO SCHOOL ELECTIONS BY STANDARDIZING THE DATE FOR SUBMITTING
6 A NOMINATION; ALLOWING POLLS TO OPEN AS EARLY AS 7 A.M.;
7 PROVIDING FOR NEWSPAPER AND BROADCAST NOTICE IN LIEU OF
8 POSTED NOTICE; PROVIDING WHEN ABSENTEE BALLOTS MUST BE
9 PRINTED AND AVAILABLE; DELETING THE REQUIREMENT THAT
10 TRUSTEES SHALL ADMINISTER OATHS TO ELECTION JUDGES; AND
11 AMENDING SECTIONS 20-3-305, 20-20-106, 20-20-204, AND
12 20-20-401, MCA."

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

15 Section 1. Section 20-3-305, MCA, is amended to read:
16 "20-3-305. Candidate qualification and nomination. (1)
17 Any person who is qualified to vote in a district under the
18 provisions of 20-20-301 shall be eligible for the office of
19 trustee.

20 (2) Any five electors qualified under the provisions
21 of 20-20-301 of any district, except a first-class
22 elementary district, may nominate as many trustee candidates
23 as there are trustee positions subject to election at the
24 ensuing election. The name of each person nominated for
25 candidacy shall be submitted to the clerk of the district

1 not less than ~~20~~ 40 days before the regular school election
2 day at which he is to be a candidate. If there are different
3 terms to be filled, the term for which each candidate is
4 nominated shall also be indicated."

5 Section 2. Section 20-20-106, MCA, is amended to read:
6 "20-20-106. Poll hours. (1) The polls for any school
7 election in any district shall open not later than noon. The
8 trustees may order the polls to open earlier, but no earlier
9 than 8 7 a.m.

10 (2) If the school election is held on the same day as
11 an election held by a political subdivision under
12 13-1-104(3) and at the same polling place, the polls shall
13 be opened and closed at the times required for the school
14 election.

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

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

23 Section 3. Section 20-20-204, MCA, is amended to read:
24 "20-20-204. Election notice. (1) When the trustees of
25 any district call a school election, they shall give notice



1 of the election not less than 20 days or more than 30 days
 2 before the day of the election by posting notices in three
 3 public places in the district, provided that in incorporated
 4 cities and towns at least one notice shall be posted at a
 5 public place in each ward or precinct. Whenever, in the
 6 judgment of the trustees, the best interest of the district
 7 will be served by the ~~supplemental~~ publication of the school
 8 election notice in a newspaper or by a radio or television
 9 broadcast in lieu of posted notices, the trustees ~~may~~ shall
 10 cause such notification to be made.

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

13 (a) the date and polling places of the election;

14 (b) the hours the polling places will be open;

15 (c) each proposition to be considered by the
 16 electorate;

17 (d) if there are trustees to be elected, the number of
 18 positions subject to election and the length of term of each
 19 position; and

20 (e) where and how absentee ballots may be obtained.

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

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

1 "20-20-401. Trustees' election duties -- ballot
 2 certification. (1) The trustees are the general supervisors
 3 of school elections unless the trustees request and the
 4 county election administrator agrees to conduct a school
 5 election under 20-20-417.

6 (2) Not less than 15 days before an election, the
 7 clerk of the district shall prepare a certified list of the
 8 names of all candidates entitled to be on the ballot and the
 9 official wording for each ballot issue. The clerk shall
 10 arrange for printing the ballots. Ballots for absentee
 11 voting must be printed and available at least 11 days prior
 12 to the election. Names of candidates on school election
 13 ballots need not be rotated.

14 ~~(3) The trustees are authorized to and shall~~
 15 ~~administer oaths to election judges.~~

16 ~~(4)~~(3) Before the opening of the polls, the trustees
 17 shall cause each polling place to be supplied with the
 18 ballots and supplies necessary to conduct the election."

-End-

APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

HOUSE BILL NO. 121
INTRODUCED BY KADAS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATING TO SCHOOL ELECTIONS BY STANDARDIZING THE DATE FOR SUBMITTING A NOMINATION; ALLOWING POLLS TO OPEN AS EARLY AS 7 A.M.; PROVIDING FOR NEWSPAPER AND--BROADCAST NOTICE IN LIEU OF POSTED NOTICE; PROVIDING WHEN ABSENTEE BALLOTS MUST BE PRINTED AND AVAILABLE; DELETING THE REQUIREMENT THAT TRUSTEES SHALL ADMINISTER OATHS TO ELECTION JUDGES; AND AMENDING SECTIONS 20-3-305, 20-20-106, 20-20-204, AND 20-20-401, MCA."

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

Section 1. Section 20-3-305, MCA, is amended to read:

"20-3-305. Candidate qualification and nomination. (1)

Any person who is qualified to vote in a district under the provisions of 20-20-301 shall be eligible for the office of trustee.

(2) Any five electors qualified under the provisions of 20-20-301 of any district, except a first-class elementary district, may nominate as many trustee candidates as there are trustee positions subject to election at the ensuing election. The name of each person nominated for candidacy shall be submitted to the clerk of the district

not less than ~~20~~ 40 days before the regular school election day at which he is to be a candidate. If there are different terms to be filled, the term for which each candidate is nominated shall also be indicated."

Section 2. Section 20-20-106, MCA, is amended to read:

"20-20-106. Poll hours. (1) The polls for any school election in any district shall open not later than noon. The trustees may order the polls to open earlier, but no earlier than ~~8~~ 7 a.m.

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

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

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

Section 3. Section 20-20-204, MCA, is amended to read:

"20-20-204. Election notice. (1) (A) When the trustees of any district call a school election, they shall give



1 notice of the election not less than ~~20-days-or-more-than-30~~
 2 40 days before the day of the election by:

3 (I) PUBLICATION OF THE NOTICE IN A NEWSPAPER OF
 4 GENERAL CIRCULATION IN THE DISTRICT; OR

5 (II) IF THERE IS NO NEWSPAPER OF GENERAL CIRCULATION,
 6 posting notices in three public places in the district,
 7 provided that in incorporated cities and towns at least one
 8 notice shall be posted at a public place in each ward or
 9 precinct.

10 (B) Whenever, in the judgment of the trustees, the
 11 best interest of the district will be served by the
 12 supplemental SUPPLEMENTAL publication of the school election
 13 notice in a-newspaper-or-by a radio or television broadcast
 14 in-lieu-of-posted-notices, the trustees may shall MAY cause
 15 such notification to be made.

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

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

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

5 Section 4. Section 20-20-401, MCA, is amended to read:
 6 "20-20-401. Trustees' election duties -- ballot
 7 certification. (1) The trustees are the general supervisors
 8 of school elections unless the trustees request and the
 9 county election administrator agrees to conduct a school
 10 election under 20-20-417.

11 (2) Not less than 15 days before an election, the
 12 clerk of the district shall prepare a certified list of the
 13 names of all candidates entitled to be on the ballot and the
 14 official wording for each ballot issue. The clerk shall
 15 arrange for printing the ballots. Ballots for absentee
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21 ~~(4)~~ (3) Before the opening of the polls, the trustees
 22 shall cause each polling place to be supplied with the
 23 ballots and supplies necessary to conduct the election."

24 NEW SECTION. SECTION 5. OATH OF JUDGES. BEFORE VOTES
 25 ARE CAST, THE SCHOOL ELECTION JUDGES SHALL TAKE AND

HB 0121/02

1 SUBSCRIBE THE OFFICIAL OATH PRESCRIBED BY THE CONSTITUTION.
2 THE ELECTION JUDGES MAY ADMINISTER THE OATH TO EACH OTHER.
3 NEW SECTION. SECTION 6. CODIFICATION INSTRUCTION.
4 SECTION 5 IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF
5 TITLE 20, CHAPTER 20, PART 4, AND THE PROVISIONS OF TITLE
6 20, CHAPTER 20, APPLY TO SECTION 5.

-End-

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7 20, CHAPTER 20, APPLY TO SECTION 5.

-End-

STANDING COMMITTEE REPORT

SENATE

March 12 19 87

MR. PRESIDENT

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE BILL No. 121

third reading copy (blue)
color

REVISE SCHOOL ELECTION LAWS

KADAS (FARRELL)

Respectfully report as follows: That HOUSE BILL No. 121

Be amended as follows:

1. Page 3, line 2.

Strike: "40"

Insert: "20 days or more than 30"

2. Page 3, line 5.

Following: "II"

Strike: "IF THERE IS NO NEWSPAPER OF GENERAL CIRCULATION,"

AND AS AMENDED,
BE CONCURRED IN

~~RRPASS~~

~~RRNOTPASS~~

Bob Brown
SENATOR BOB BROWN,

Chairman.

3-12-87
11:20
EA