

HOUSE BILL NO. 774

INTRODUCED BY M. HOPKINS

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING ELECTION LAWS; REQUIRING ALL ELECTIONS TO BE HELD IN EVEN-NUMBERED YEARS; REQUIRING ALL ELECTIONS TO BE HELD ON PRIMARY DAY OR GENERAL ELECTION DAY; REQUIRING COUNTY ELECTION ADMINISTRATORS TO ADMINISTER ALL ELECTIONS; REVISING DEFINITIONS; CHANGING TERM LENGTHS TO ALIGN WITH THE REVISED ELECTION SCHEDULE; AMENDING SECTIONS 3-6-201, 7-4-2611, 7-5-132, 7-6-1504, 7-6-1536, 7-6-1542, 7-6-4431, 7-11-1003, 7-11-1011, 7-11-1012, 7-11-1013, 7-12-4243, 7-13-2208, 7-13-2210, 7-13-2341, 7-13-2342, 7-13-2352, 7-13-4512, 7-13-4535, 7-14-210, 7-14-1106, 7-14-1134, 7-14-1632, 7-14-1633, 7-14-4642, 7-15-4218, 7-15-4408, 7-16-2102, 7-31-106, 7-31-107, 7-31-109, 7-33-2106, 7-34-2109, 7-34-2110, 7-34-2414, 13-1-101, 13-1-104, 13-1-106, 13-1-107, 13-1-203, 13-1-204, 13-1-301, 13-1-302, 13-1-405, 13-1-504, 13-2-304, 13-10-211, 13-13-205, 13-13-222, 13-16-205, 13-37-126, 15-10-425, 16-12-301, 16-12-311, 20-3-305, 20-3-306, 20-3-307, 20-6-326, 20-6-422, 20-6-423, 20-6-704, 20-9-422, 20-15-203, 20-15-208, 20-15-221, 20-20-102, 20-20-104, 20-20-105, 20-20-107, 20-20-201, 20-20-417, 76-5-1106, 76-15-207, 76-15-303, 76-15-304, 76-15-506, 76-15-531, 76-15-605, 76-15-702, 76-15-805, 85-6-105, 85-6-106, 85-7-1602, 85-7-1702, 85-7-1703, 85-7-1712, 85-7-1974, 85-7-2013, 85-8-302, 85-8-624, AND 85-9-206, MCA; REPEALING SECTIONS 13-1-305, 13-1-503, 20-20-106, 20-20-108, 20-20-203, 20-20-204, 20-20-401, 20-20-402, AND 20-20-416, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Section 3-6-201, MCA, is amended to read:

"3-6-201. Number of judges -- election -- term of office -- chief judge -- duties of chief judge. (1)

The governing body of a city shall determine by ordinance the number of judges required to operate the municipal court.

(2) A municipal court judge must be elected at the general election, as provided in ~~13-1-104(3)~~ 13-1-104. The judge's term commences on the first Monday in January following the election. The judge shall hold

1 office for the term of 4 years and until a successor is elected and qualified.

2 (3) Except as provided in subsection (2), all elections of municipal court judges are governed by
3 the laws applicable to the election of district court judges.

4 (4) (a) If there is more than one municipal court judge, the judges shall adopt a procedure by which
5 they either:

6 (i) select a chief municipal court judge at the beginning of each calendar year; or

7 (ii) select a chief municipal court judge for a specific period of time.

8 (b) If the judges cannot agree, the judge with the most seniority shall serve as the chief municipal
9 court judge.

10 (5) The chief municipal court judge shall provide for the efficient management of the court, in
11 cooperation with the other judge or judges, if any, and shall:

12 (a) maintain a central docket of the court's cases;

13 (b) provide for the distribution of cases from the central docket among the judges, if there is more
14 than one judge, in order to equalize the work of the judges;

15 (c) request the jurors needed for cases set for jury trial;

16 (d) if there is more than one judge, temporarily reassign or substitute judges among the
17 departments as necessary to carry out the business of the court; and

18 (e) supervise and control the court's personnel and the administration of the court."
19

20 **Section 2.** Section 7-4-2611, MCA, is amended to read:

21 **"7-4-2611. Role and duties of county clerk and election administrator.** (1) The county clerk of a
22 county is also clerk of the county commissioners and ex officio recorder. A duty imposed by law upon the
23 officer, whether as county clerk, clerk of the county commissioners, or recorder, must be performed by the
24 county clerk, and any official act performed or certified by the county clerk is as valid and effectual as if
25 performed and certified by the clerk of the county commissioners or the recorder.

26 (2) The county clerk shall:

27 (a) take charge of and safely keep or dispose of according to law all books, papers, maps, and
28 records that may be filed or deposited in the county clerk's office;

- 1 (b) record all the proceedings of the board;
- 2 (c) make full entries of all its resolutions and decisions on all questions concerning the raising of
3 money for and the allowance of accounts against the county;
- 4 (d) record the vote of each member on a question upon which there is a division or at the request
5 of any member present;
- 6 (e) sign all orders made and warrants issued by order of the board for the payment of money and
7 certify the orders and warrants to the county treasurer;
- 8 (f) record the reports of the county treasurer of the receipts and disbursements of the county;
- 9 (g) preserve and file all accounts acted upon by the board;
- 10 (h) preserve and file all petitions and applications for franchises and record the action of the board
11 on the petitions and applications;
- 12 (i) record all orders levying taxes;
- 13 (j) designate upon each account allowed by the board the amount allowed and deliver to any
14 person who may demand it a certified copy of any record or any account on file in the county clerk's office;
- 15 (k) when a new township is organized or the boundaries of a township are altered, immediately
16 make out and transmit to the secretary of state a certified statement of the names and boundaries of the
17 township organized or altered;
- 18 (l) keep other records and books and perform other duties that are prescribed by law or by rule or
19 order of the board.
- 20 (3) An election administrator shall file, code, and cross-index all reports and statements filed as
21 prescribed by the commissioner of political practices.
- 22 (4) An election administrator shall make statements and other information filed under the
23 provisions of Title 13, chapters 35, 36, and 37, and Title 20, chapter 20, available for public inspection and
24 copying during the office hours determined by the governing body by resolution after a public hearing and make
25 copying facilities available free of charge or at a charge not to exceed actual cost."
- 26

27 **Section 3.** Section 7-5-132, MCA, is amended to read:

28 **"7-5-132. Procedure for initiative or referendum election.** (1) The electors of a local government

1 may, by petition, request an election on whether to enact, repeal, or amend an ordinance. The form of the
2 petition must be approved by the county election administrator. A petition signed by at least 15% of the local
3 government's qualified electors is sufficient to require an election.

4 (2) (a) If an approved petition containing sufficient signatures is filed prior to the ordinance's
5 effective date or within 60 days after the passage of the ordinance, whichever is later, a petition requesting an
6 election on whether to amend or repeal the ordinance delays the ordinance's effective date until the ordinance
7 is ratified by the electors.

8 (b) If an approved petition containing sufficient signatures is filed within 60 days after the effective
9 date of an emergency ordinance, the emergency ordinance is suspended until it is ratified by the electors.

10 (3) The governing body may refer an existing or proposed ordinance to a vote of the people by
11 resolution.

12 (4) A petition or resolution for an election must:

13 (a) embrace only a single comprehensive subject;

14 (b) set out fully the ordinance sought, the ordinance to be amended and the proposed amendment,
15 or the ordinance to be repealed;

16 (c) be in the form prescribed in Title 13, chapter 27, except as specifically provided in this part; and

17 (d) contain transition provisions if the measure changes terms of office or forms of government.

18 (5) An election held pursuant to this section must be conducted in conjunction with the next local
19 government election held in accordance with Title 13, chapter 1, part 4, ~~except that if the petition asks for a~~
20 ~~special election, specifies an election date that complies with 13-1-405, and is signed by at least 25% of the~~
21 ~~qualified electors, a special election must be held on the date specified in the petition.~~

22 (6) If a majority of those voting on the question approve the proposal, it becomes effective when
23 the election results are officially declared, unless otherwise stated in the proposal."
24

25 **Section 4.** Section 7-6-1504, MCA, is amended to read:

26 **"7-6-1504. Resort tax -- election required -- procedure -- notice.** (1) A resort community, resort
27 area, or resort area district may not impose or, except as provided in 7-6-1505, amend or repeal a resort tax
28 unless the resort tax question has been approved by a majority of the qualified electors voting on the question

1 during a general election as described in 13-1-104.

2 (2) The resort tax question may be presented to the qualified electors of:

3 (a) a resort community by a petition of the electors as provided in 7-5-131, 7-5-132, 7-5-134, 7-5-
4 135, and 7-5-137 or by a resolution of the governing body of the resort community;

5 (b) a resort area by a resolution of the board of county commissioners, following receipt of a
6 petition of electors as provided in 7-6-1508;

7 (c) an existing resort area district by a resolution of the board of directors of the resort area district
8 in accordance with special district election procedures provided in 13-1-501 through 13-1-505.

9 (3) If a proposed resort area is in more than one county, the resort tax question must be presented
10 to and approved by the qualified electors in the resort area of each county.

11 (4) The petition or resolution referring the taxing question must state:

12 (a) the rate of the resort tax;

13 (b) the duration of the resort tax;

14 (c) the date when the tax becomes effective, which date may not be earlier than 35 days after the
15 election; and

16 (d) the purposes that may be funded by the resort tax revenue. If the petition or resolution includes
17 the additional tax provided for in 7-6-1503(1)(b)(i), the revenue from the additional tax must be designated for
18 infrastructure and the specific uses must be identified in the petition or resolution. The additional levy for
19 infrastructure authorized under this subsection (4)(d) terminates when the specified infrastructure debts and
20 project costs are paid unless the board submits and the qualified electors approve another levy for
21 infrastructure.

22 (5) On receipt of an adequate petition, the governing body shall hold an election in conjunction
23 with a general election and in accordance with Title 13, chapter 1, part 5.

24 (6) (a) Before the resort tax question is submitted to the electorate of a resort community or resort
25 area, the governing body of the resort community or the board of county commissioners in the county in which
26 the resort area is located shall provide notice of the goods and services subject to the resort tax by a method
27 described in 13-1-108.

28 (b) The notice must be given two times, with at least 6 days separating the notices. The first notice

1 must be no more than 45 days prior to the election, and the last notice must be no less than 30 days prior to the
2 election.

3 (7) Notice of the election must be given as provided in 13-1-108 and include the information listed
4 in subsection (4) of this section.

5 (8) The question of the imposition of a resort tax may not be placed before the qualified electors
6 more than once in any fiscal year.

7 (9) The governing body, as defined in 7-6-1505, of a resort area, resort area district, or resort
8 community that already imposes a resort tax may submit to the qualified electors of the resort area, resort area
9 district, or resort community the question of whether to levy the additional resort tax provided for in 7-6-
10 1503(1)(b)(i). The election must be noticed as provided in this section and conducted as provided in 13-1-501
11 through 13-1-505."
12

13 **Section 5.** Section 7-6-1536, MCA, is amended to read:

14 **"7-6-1536. Resort area district -- election required -- notice.** (1) Upon a determination that the
15 petition complies with the provisions of 7-6-1533 through 7-6-1536, 7-6-1539 through 7-6-1544, 7-6-1546
16 through 7-6-1548, and 7-6-1550, the board of county commissioners of each county in which the resort area
17 lies shall conduct an election during a general election and in accordance with Title 13, chapter 1, part 5.

18 (2) Notice of the election must be made as provided in 13-1-108 and must:

19 (a) describe the purpose of the proposed resort area district; and

20 (b) state the name of the proposed resort area district, which must include the words "resort area
21 district".
22

23 **Section 6.** Section 7-6-1542, MCA, is amended to read:

24 **"7-6-1542. Resort area district board powers related to resort tax revenue -- bonds -- election --**
25 **restrictions.** (1) The board of directors may:

26 (a) appropriate and expend revenue from a resort tax for any activity, undertaking, or
27 administrative service authorized in the resolution creating a resort area and adopting a resort tax;

28 (b) adopt administrative ordinances necessary to aid in the collection or reporting of resort taxes

1 and in the expenditure of resort tax revenue;

2 (c) except as provided in subsection (2), if approved by four of the five board members, issue
3 bonds to provide, install, or construct any of the public facilities, improvements, or capital projects authorized as
4 provided in subsection (1)(a) and pledge for repayment of the bonds the revenue derived from the resort tax;
5 and

6 (d) submit to the qualified electors of the resort area district the question of whether to levy the
7 additional resort tax provided for in 7-6-1503(1)(b)(i) for infrastructure.

8 (2) Except for bonds pledging resort tax revenue raised from an additional resort tax levy for
9 infrastructure provided for in 7-6-1503(1)(b)(i), a resort area district may not issue bonds to construct any
10 single-purpose public facility, improvement, or capital project in an amount exceeding \$500,000 without the
11 approval of a majority of the qualified electors voting at ~~an~~ a general election conducted in accordance with Title
12 13, chapter 1, part 5.

13 (3) The provisions of 7-6-1506(3) apply to the issuance of bonds by a resort area district, and the
14 board of directors shall conclude that the projected useful life of the public facilities, improvements, or capital
15 projects will be greater than the term of the bonds that were issued to construct the public facilities,
16 improvements, or capital projects.

17 (4) Resort tax revenue that is pledged by a resort area district to the repayment of bonds must be
18 sufficient to pay the principal and interest on the bonds in each year when the principal and interest is due.
19 Bonds do not constitute debt for the purpose of any statutory debt limitation. Except for bonds pledging resort
20 tax revenue raised from an additional resort tax levy for infrastructure, a resort area district may not issue bonds
21 pledging proceeds of the resort tax for repayment unless the board of directors in the resolution authorizing
22 issuance of the bonds determines that the annual principal and interest payment on the bonds issued will not
23 cumulatively exceed 25% of the average of resort tax revenue received by the district during the preceding 5
24 years. Bonds may not be issued for a term longer than the remaining duration of the resort area district.

25 (5) A resort area district may not commit cumulative annual debt service payments that exceed
26 70% of the revenue raised from an additional resort tax levy for infrastructure provided for in 7-6-1503(1)(b)(i).
27 Debt service payments do not constitute debt for the purpose of any statutory debt limit. The additional resort
28 tax levy for infrastructure may not be collected when the bonded obligation ceases unless the board submits

1 and the qualified electors approve the additional levy for infrastructure as provided in 7-6-1504 and 13-1-501
2 through 13-1-505.

3 (6) Debt service payments may not be issued for a term longer than the remaining duration of the
4 resort area district."

5

6 **Section 7.** Section 7-6-4431, MCA, is amended to read:

7 **"7-6-4431. Authorization to exceed or impose less than maximum mill levy -- election required**
8 **to exceed.** The governing body of a municipality may raise money by taxation for the support of municipal
9 government services, facilities, or other capital projects in excess of the levy allowed by 15-10-420 under the
10 following conditions:

11 (1) The governing body shall pass a resolution indicating its intent to exceed the current statutory
12 mill levy limit on the approval of a majority of the qualified electors voting in an election under subsection (2).

13 The resolution must include:

14 (a) the specific purpose for which the additional money will be used;

15 (b) the specific dollar amount to be raised; and

16 (c) the approximate number of mills required.

17 (2) The governing body shall submit the question of the additional mill levy to the qualified electors
18 of the municipality ~~at an election as provided in 15-10-425~~ during the general election as described in 13-1-104.

19 The question may not be submitted more than once in any calendar year. If the majority of voters voting on the
20 question is in favor of the additional levy or levies, the governing body is authorized to impose the mill levy in
21 the amount specified in the resolution.

22 (3) An election is not required for a governing body to impose less than the maximum number of
23 mills or to carry forward authorization to impose the maximum number of mills in a subsequent tax year as
24 provided in 15-10-420(1)(b)."

25

26 **Section 8.** Section 7-11-1003, MCA, is amended to read:

27 **"7-11-1003. Authorization to create special districts.** (1) Whenever the public convenience and
28 necessity may require:

1 (a) the governing body may:

2 (i) ~~create a special district by resolution pursuant to 7-11-1007, 7-11-1008, and the provisions of 7-11-~~
3 ~~1009, if applicable; or~~

4 (ii) ~~order a referendum to be placed on the general election ballot on the creation of a special district~~
5 ~~to serve the inhabitants of the special district as provided in 7-11-1011 and the provisions of 7-11-1009, if~~
6 ~~applicable; or~~

7 (b) petitioners may initiate the creation of a special district to serve inhabitants of the special
8 district as provided in subsection (2).

9 (2) (a) Upon receipt of a petition to institute the creation of a special district that is signed by at
10 least 40% of the registered voters or by the owners of at least 40% of the real property within the boundary of
11 the proposed special district and that is submitted to the clerk of the governing body, the governing body shall
12 commence proceedings to create a special district as provided in subsection (1)(a).

13 (b) The form of the petition may be prescribed by the governing body, and the clerk of the
14 governing body shall verify the signatures on the petition.

15 (c) Subject to subsection (2)(b), the petition must:

16 (i) require the printed name of each signatory;

17 (ii) specify whether the signatory is a property taxpayer or owner of real property within the
18 proposed special district and either the street address or the legal description, whichever the signatory prefers,
19 of that property;

20 (iii) describe the type of special district being proposed and the general character of any proposed
21 improvements and program to be administered within the special district;

22 (iv) designate the method of financing any proposed improvements or maintenance program within
23 the special district;

24 (v) include a description of the areas to be included in the proposed special district; and

25 (vi) specify whether the proposed special district would be administered by the local governing
26 body or an appointed or elected board.

27 (3) Within 60 days of receipt of a petition to create a special district, the clerk of the governing body
28 shall:

1 (a) certify that the petition is sufficient under the provisions of subsection (2) and present it to the
2 governing body at its next meeting; or

3 (b) reject the petition if it is insufficient under the provisions of subsection (2).

4 (4) A defect in the contents of the petition or in its title, form of notice, or signatures may not
5 invalidate the petition and subsequent proceedings as long as the petition has a sufficient number of qualified
6 signatures attached."

7

8 **Section 9.** Section 7-11-1011, MCA, is amended to read:

9 **"7-11-1011. Referendum -- conduct of election on creating special district.** (1) The governing
10 body may order a referendum on the creation of the proposed special district.

11 (2) The resolution ordering the referendum must state, consistent with the requirements of 7-11-
12 1007, 7-11-1009, and 7-11-1024:

13 (a) the maximum rate or amount of the initial proposed assessments or fees that would be
14 imposed;

15 (b) the type of activities proposed to be financed, including a general description of the program or
16 improvements;

17 (c) a description of the areas included in the proposed special district;

18 (d) whether the proposed special district would be administered by the governing body or an
19 appointed or elected board;

20 (e) the method of financing the proposed program or improvements; and

21 (f) the duration of the proposed special district.

22 ~~(3)~~ (4) The election must be held during the general election as described in 13-1-104.

23 ~~(3)(4)~~ The election must be conducted in accordance with Title 13, chapter 1, part 5.

24 ~~(4)(5)~~ The proposition to be submitted to the electorate must read: "Shall the proposition to organize
25 (name of proposed special district) be adopted?"

26 ~~(5)(6)~~ An individual is entitled to vote on the proposition if the individual:

27 (a) is a registered elector of the state; and

28 (b) is a resident of or owner of taxable real property in the area subject to the proposed special

1 district.

2 ~~(6)~~(7) If the proposition is approved, the election administrator of each county shall:

3 (a) immediately file with the secretary of state a certificate stating that the proposition was adopted;

4 (b) record the certificate in the office of the clerk and recorder of the county or counties in which
5 the special district is situated; and

6 (c) notify any municipalities lying within the boundaries of the special district."
7

8 **Section 10.** Section 7-11-1012, MCA, is amended to read:

9 **"7-11-1012. Certificate of establishment.** (1) On receipt of the certificate referred to in ~~7-11-1011(6)~~
10 7-11-1011(7), the secretary of state shall, within 10 days, issue a certificate reciting that the specified district
11 has been established according to the laws of the state of Montana. A copy of the certificate must be
12 transmitted to and filed with the clerk and recorder of the county or counties in which the district is situated.

13 (2) When the certificate is issued by the secretary of state, the district named in the certificate is
14 established with all the rights, privileges, and powers set forth in 7-11-1021."
15

16 **Section 11.** Section 7-11-1013, MCA, is amended to read:

17 **"7-11-1013. Order creating district -- power to implement program.** (1) The governing body shall
18 create a special district and establish assessments or fees ~~if the governing body finds that insufficient protests~~
19 ~~have been made in accordance with 7-11-1008~~ or if the eligible registered voters have approved a referendum
20 as provided in 7-11-1011.

21 (2) To create a special district, the governing body shall ~~issue an order or pass an ordinance or~~
22 ~~resolution in accordance with the resolution of intention introduced and passed by the governing body or in~~
23 accordance with the terms of the referendum required under 7-11-1011. This must be done ~~within 30 days of~~
24 ~~the end of the protest period or approval of the referendum~~ during the general election as described in 13-1-
25 104.

26 ~~(3) If the governing body creates the special district of its own accord and without a referendum being~~
27 ~~held, a copy of the order, ordinance, or resolution creating the district, certified by the clerk of the governing~~
28 ~~body, must be delivered to the clerk and recorder of the county or counties in which the special district is~~

1 ~~situated and to the secretary of state, who shall issue a certificate of establishment in accordance with 7-11-~~
2 ~~4042."~~

3

4 **Section 12.** Section 7-12-4243, MCA, is amended to read:

5 **"7-12-4243. Procedure to create and maintain supplemental revolving fund -- election required**

6 **-- qualified electors defined.** (1) (a) A supplemental revolving fund may be created by ordinance, subject to
7 the approval of a majority of the qualified electors voting at an election held in accordance with Title 13, chapter
8 1, part 5. The election must be held on general election day as described in 13-1-104.

9 (b) As used in 7-12-4241 through 7-12-4258, "qualified electors" means registered electors of the
10 municipality.

11 (2) The supplemental revolving fund must be created and maintained solely from the net revenue
12 of parking meters. The ordinance may pledge to the revolving fund all or any part of the net revenue of parking
13 meters owned, leased, rented, or acquired by the city or town. The ordinance must contain any provisions
14 concerning the purchase, control, operation, repair, and maintenance of parking meters, including rates to be
15 charged, and the application of the net revenue from the meters and the management and use of the
16 supplemental revolving fund that the council considers necessary."

17

18 **Section 13.** Section 7-13-2208, MCA, is amended to read:

19 **"7-13-2208. Decision on petition -- election required -- exception.** (1) On the final hearing
20 provided for in 7-13-2206, the board of county commissioners shall make any changes in the proposed
21 boundaries within the county that are considered advisable and shall define and establish the boundaries. The
22 board of county commissioners may not modify the boundaries in a manner that would exclude from the
23 proposed district any territory that would benefit from the formation of the district. Land that will not, in the
24 judgment of the board of county commissioners, benefit from the district may not be included within the
25 proposed district.

26 (2) Upon the final determination of the boundaries of the district, the board of county
27 commissioners of each county in which the district lies shall hold an election for the purpose of determining
28 whether the district is to be incorporated, except as provided in subsection (3). The election must be held on

1 general election day as described in 13-1-104 and conducted in accordance with Title 13, chapter 1, part 5.

2 (3) An election is not required if the petition for the creation of the district is signed by the owners
3 of all of the real property in the proposed district. If an election is not held, upon the final determination of the
4 boundaries of the district, the board of county commissioners of each county in which the district lies shall, by
5 an order entered on its minutes, declare the territory enclosed within the proposed boundaries as an organized
6 county water and/or sewer district. The county clerk and recorder shall forward a certified copy of the order to
7 the secretary of state."

8

9 **Section 14.** Section 7-13-2210, MCA, is amended to read:

10 **"7-13-2210. Notice of election.** Notice of an election on whether a district should be incorporated
11 must be provided in accordance with 13-1-108 and must include a description of the boundaries established
12 and state the proposed name of the proposed district. The name must contain the words ".... County water
13 and/or sewer district". The election must be held during the general election as described in 13-1-104.

14

15 **Section 15.** Section 7-13-2341, MCA, is amended to read:

16 **"7-13-2341. Addition of land to district -- election required -- effect on land and district. (1)**

17 Except as provided in subsection (5), any portion of any county or any municipality, or both, may be added to
18 any district organized under the provisions of part 22 and this part at any time upon petition presented in the
19 manner provided in part 22 and this part for the organization of the district.

20 (2) The petition may be granted by ordinance of the board of directors of the district. The
21 ordinance must be submitted for adoption or rejection by the qualified electors during a general election as
22 described in 13-1-104.

23 (3) If the ordinance is approved, the president and secretary of the board of directors shall certify
24 that fact to the secretary of state and to the county clerk and recorder of the county in which the district is
25 located. On receipt of the certification, the secretary of state shall within 10 days issue a certificate that states
26 the passage of the ordinance and the addition of the territory to the district. A copy of the certificate must be
27 transmitted to and filed with the county clerk and recorder of the county in which the district is situated.

28 (4) After the filing of the certificate, the territory is added to and is a part of the district with all the

1 rights, privileges, and powers set forth in this part and necessarily incident to this part.

2 (5) If the board of directors determines that a district has a water facility or a sewer facility with a
3 capacity greater than required to meet the needs of the current district, it may by ordinance, on petition of
4 contiguous property owners and with the written consent of all property owners to whom the service is to be
5 extended, expand the district to include land, to the extent of excess capacity, without complying with
6 subsections (1) and (2). However, if the board determines that an election should be held or if 40% or more of
7 the qualified electors petition for an election, compliance with subsections (1) and (2) is required.

8 (6) (a) Any property outside of the limits of a district that is benefited by a previously contracted
9 improvement and is subsequently annexed to the district may be assessed for any improvements previously
10 contracted for using the method provided in 7-12-2151(1)(d).

11 (b) The benefited property may also be assessed for any improvement, within or outside the
12 district limits, that is determined by the board to benefit property that was outside the district limits at the time of
13 contracting for the improvement, whether or not an improvement district was previously created for the
14 improvement.

15 (c) After any new property is annexed to the district, the total number of lots, tracts, or parcels in
16 the district must be recalculated pursuant to 7-12-2151(4).

17 (d) Assessment proceedings under this section are valid notwithstanding any failure of previous
18 proceedings to comply with the provisions of law regarding improvements to be financed by special
19 assessments."
20

21 **Section 16.** Section 7-13-2342, MCA, is amended to read:

22 **"7-13-2342. Consolidation of county water and/or sewer districts -- election required.** (1) Two or
23 more districts organized under the provisions of part 22 and this part may consolidate at any time upon petitions
24 submitted to the board of directors of each district. The petitions must be in the form required for petitions for
25 the organization of districts. Each petition must be signed by not less than 10% of the qualified electors of the
26 territory included within the district.

27 (2) The petitions may be granted by ordinance of the board of directors of each district. The
28 ordinances must be submitted for adoption or rejection by the qualified electors during a general election as

1 described in 13-1-104.

2 (3) If the ordinances are approved, the president and secretary of the boards of directors of each
3 district shall certify that fact to the secretary of state and to the county clerk of the county or counties in which
4 the districts are located. On receipt of the certificate, the secretary of state shall within 10 days issue a
5 certificate reciting the passage of the ordinances and the consolidation of the districts. A copy of the certificate
6 must be transmitted to and filed with the county clerk of each county in which the consolidated district is
7 situated.

8 (4) After the date of the certificate, the districts are considered to be consolidated and consist of
9 one district with all the rights, privileges, and powers set forth in part 22 and this part and necessarily incident to
10 those rights, privileges, and powers.

11 (5) The number and manner of selection and election of directors of the consolidated district must
12 be the same as the number and manner of selection and election of directors of newly organized districts."
13

14 **Section 17.** Section 7-13-2352, MCA, is amended to read:

15 **"7-13-2352. Dissolution of district by election.** (1) The board of directors may, after notice is given
16 as provided in 7-1-2121, hold a hearing for dissolution of the district if:

17 (a) the district has no facilities;

18 (b) the district provides no services;

19 (c) the board is not a party to any existing contracts and is not engaged in any contract proposals
20 for facilities or services; and

21 (d) the district has not had outstanding debts for at least 3 years.

22 (2) At the dissolution hearing, the board of directors shall hear testimony of all persons interested
23 in whether the district should be dissolved.

24 (3) If the board of directors determines that the dissolution of the district is in the best interests of
25 the public, the board may resolve to recommend that the district be dissolved. The recommendation must
26 include a specific plan for distribution of any remaining assets after dissolution and must be provided to the
27 board of county commissioners in each county in which the district is located.

28 (4) Upon receipt of a recommendation for dissolution, the board of county commissioners in each

1 county in which the district lies shall order an election on the proposed dissolution. The election must be held in
2 conjunction with a general election as described in 13-1-104.

3 (5) If the majority of votes cast at the election by qualified electors of the district are in favor of
4 dissolving the district, each board of county commissioners shall by order declare the district dissolved.

5 (6) Upon dissolution of the district by each board of county commissioners, the clerk of each
6 county in which the district was located shall immediately send written notice to the secretary of state and shall
7 record a certificate stating that the district is dissolved.

8 (7) Any assets of the district after dissolution must be distributed according to the plan adopted by
9 the board of directors under subsection (3)."

10

11 **Section 18.** Section 7-13-4512, MCA, is amended to read:

12 **"7-13-4512. Referendum.** (1) The commissioners may adopt a resolution causing a referendum to be
13 submitted to the registered electors who reside within a proposed local water quality district to authorize the
14 creation of the district and establish fees. The election must be held during a general election as described in
15 13-1-104 and be conducted in accordance with Title 13, chapter 1, part 5.

16 (2) The referendum must state:

17 (a) the type and maximum rate of the initial proposed fees that would be imposed, consistent with
18 the requirements of 7-13-4523;

19 (b) the maximum dollar amount for a family residential unit;

20 (c) the type of activities proposed to be financed, including a general description of the local water
21 quality program; and

22 (d) a general description of the areas included in the proposed district."

23

24 **Section 19.** Section 7-13-4535, MCA, is amended to read:

25 **"7-13-4535. Referendum to abolish local water quality district or joint local water quality**
26 **district -- termination procedures.** (1) A person owning a fee-assessed unit located within a local water
27 quality district or a joint local water quality district may petition the commissioners of a local water quality district
28 or the board of directors of a joint water quality district to submit a referendum to the registered electors residing

1 in the district to terminate or abolish the district. The petition must be in writing and contain the signatures and
2 addresses of 20% or more of the owners of fee-assessed units in the district. The petition requesting a
3 referendum for termination or abolishment of a district must be delivered to the county clerk, who shall endorse
4 on it the date on which the petition was received and validate the signatures within 60 days of receipt of the
5 petition. If the petition contains valid signatures of at least 20% of the owners of fee-assessed units located
6 within the district, the county clerk shall notify the commissioners of a local water quality district or the board of
7 directors of a joint water quality district.

8 (2) On receipt of a valid petition described in subsection (1), the commissioners of a local water
9 quality district or the board of directors of a joint water quality district shall submit the referendum to the
10 registered electors residing in the district ~~in an election~~ during a general election as described in 13-1-104 and
11 conducted in accordance with Title 13, chapter 1, part 5."

12

13 **Section 20.** Section 7-14-210, MCA, is amended to read:

14 **"7-14-210. Election on question of creating urban transportation district or addition to district.**

15 (1) The commissioners, on completion of the public hearing required by 7-14-207, shall proceed by resolution to
16 refer the creation of the district or an addition to a district to the persons qualified to vote on the proposition.

17 (2) The election must be held on general election day as described in 13-1-104 and be conducted
18 in accordance with Title 13, chapter 1, part 5."

19

20 **Section 21.** Section 7-14-1106, MCA, is amended to read:

21 **"7-14-1106. Election of local port authority commissioners.** (1) Any registered elector in the
22 county or municipality in which the local port authority is located may file a declaration of candidacy with the
23 election administrator. The declaration must be filed within the time period for candidate filing specified in 13-1-
24 502.

25 (2) The election must be held on general election day as described in 13-1-104 and be conducted
26 in accordance with Title 13, chapter 1, part 5.

27 (3) If no declarations are filed for one or more commissioner offices, the appropriate local
28 governing body shall appoint one or more commissioners as necessary to fill those offices."

1

2

Section 22. Section 7-14-1134, MCA, is amended to read:

3

"7-14-1134. Method of funding deficiency -- election required. (1) Subject to the conditions stated

4

in this section, the governing body of a county or of a municipality having a population in excess of 10,000 may

5

by resolution covenant that if at any time all revenue, including taxes, appropriated and collected for bonds

6

issued pursuant to this part is insufficient to pay principal or interest then due, it will levy a general tax on all of

7

the taxable property in the county or municipality for the payment of the deficiency. The governing body may

8

further covenant that at any time a deficiency is likely to occur within 1 year for the payment of principal and

9

interest due on the bonds, it will levy a general tax on all the taxable property in the county or municipality for

10

the payment of the deficiency. The taxes are not subject to any limitation of rate or amount applicable to other

11

county or municipal taxes but are limited to a rate estimated to be sufficient to produce the amount of the

12

deficiency. If more than one local government is included in an authority issuing bonds pursuant to this part, the

13

local governments may apportion the obligation to levy taxes for the payment of, or in anticipation of, a

14

deficiency in the revenue appropriated for the bonds in a manner that the local governments may determine.

15

(2) The resolution must state the principal amount and purpose of the bonds and the substance of

16

the covenant respecting deficiencies.

17

(3) A resolution is not effective until the question of its approval has been submitted to the qualified

18

electors of the local government at ~~an election called for that purpose by the governing body of the local~~

19

~~government and held as provided in 15-10-425~~ a general election as described in 13-1-104 and the question is

20

approved by a majority of the electors voting.

21

(4) If a majority of the electors voting on the issue vote against approval of the resolution, the local

22

government may not make the covenant or levy a tax for the payment of deficiencies pursuant to this section.

23

The local government or authority may issue bonds under this part payable solely from the sources referred to

24

in 7-14-1133(1)."

25

26

Section 23. Section 7-14-1632, MCA, is amended to read:

27

"7-14-1632. Mill levy authorized. The authority may certify ~~annually~~ biennially to the board of county

28

commissioners the amount of money necessary for the operation of the authority. Upon approval by the

1 electorate during a general election as described in 13-1-104, the board shall annually, at the time of levying
2 county taxes, fix and levy a tax in mills upon all property within the boundaries of the authority clearly sufficient
3 to raise the amount certified by the authority."
4

5 **Section 24.** Section 7-14-1633, MCA, is amended to read:

6 **"7-14-1633. Election required to impose mill levy.** (1) Before the levy provided for in 7-14-1632
7 may be made, the question must be submitted to a vote of the people at ~~an election held pursuant to 15-10-425~~
8 a general election as described in 13-1-104.

9 (2) Notice of the election, clearly stating the amount and the purpose of the levy, must be given,
10 and the election must be conducted in accordance with Title 13, chapter 1, part 5."
11

12 **Section 25.** Section 7-14-4642, MCA, is amended to read:

13 **"7-14-4642. Election required to issue revenue bonds.** (1) The power to issue revenue bonds as
14 provided in this part is not operative in any city until the legislative body submits to the qualified electors during
15 a general election as described in 13-1-104 the question as to whether the legislative body, the commission, or
16 both are authorized to adopt the revenue bond method of financing projects provided for in this part.

17 (2) The election on the question must be conducted in accordance with Title 13, chapter 1, part 4.

18 (3) The qualifications of electors are the same as those required for voting at municipal elections in
19 the city for elective officers. The provisions relating to the qualifications of electors and manner of submission of
20 the question to the electors for the purposes of this part are controlling, notwithstanding any provision of law to
21 the contrary."
22

23 **Section 26.** Section 7-15-4218, MCA, is amended to read:

24 **"7-15-4218. Voter approval of urban renewal plan required when general obligation bonds to be**
25 **used.** If the plan or any subsequent modification thereof involves financing by the issuance of general
26 obligation bonds of the municipality as authorized in 7-15-4302(1) or the financing of water or sewer
27 improvements by the issuance of revenue bonds under the provisions of part 44 of chapter 7 or of part 43 of
28 chapter 13, the question of approving the plan and issuing such bonds shall be submitted to a vote of the

1 qualified electors of such municipality on general election day as described in 13-1-104, in accordance with the
2 provisions governing municipal general obligation bonds under chapter 7, part 42, at the same general election
3 and shall be approved by a majority of those qualified electors voting on such question."
4

5 **Section 27.** Section 7-15-4408, MCA, is amended to read:

6 **"7-15-4408. Voter approval required to create housing authority.** The ordinance authorized by 7-
7 15-4406(2) is not effective until it has been approved by a majority vote of the registered electors within the city
8 limits voting ~~either at a special election held in conjunction with a regular or primary election or at a general~~
9 election."
10

11 **Section 28.** Section 7-16-2102, MCA, is amended to read:

12 **"7-16-2102. Authorization for tax levy for parks and certain cultural, social, and recreational**
13 **facilities.** (1) Subject to 15-10-420, the board of county commissioners may annually levy on the taxable
14 property of the county, in the same manner and at the same time as other county taxes are levied, a tax for the
15 purpose of maintaining, operating, and equipping parks, cultural facilities, and any county-owned civic center,
16 youth center, recreation center, recreational complex, or any combination of purposes, parks, and facilities.

17 (2) (a) The board of county commissioners shall submit the question of imposing or the continued
18 imposition of the property tax mill levy provided in subsection (1) to the electors of the county if a petition
19 requesting an election, signed by at least 15% of the resident taxpayers of the county, is filed with the county
20 clerk. The petition must be filed with the county clerk at least 90 days prior to the date of the election.

21 (b) The question must be submitted as provided in 15-10-425.

22 (c) The board of county commissioners shall levy the tax if the question for the imposition of the
23 tax is approved by a majority of the electors voting on the question during a general election as described in 13-
24 1-104.

25 (3) All laws applicable to the collection of county taxes apply to the collection of the tax provided
26 for in this section."
27

28 **Section 29.** Section 7-31-106, MCA, is amended to read:

1 **"7-31-106. Authorization for county to issue bonds -- election required.** (1) If the petition is
 2 presented to the board of county commissioners, the board shall, for the purpose of raising money to meet the
 3 payments under the terms and conditions of the contract and other necessary and proper expenses for the
 4 contract and for the approval or disapproval of the petition:

5 (a) ascertain, within 30 days after submission of the petition, the existing indebtedness of the
 6 county in the aggregate; and

7 (b) submit, after ascertaining the aggregate indebtedness, to the electors of the county the
 8 proposition to approve or disapprove the contract and the issuance of bonds necessary to carry out the
 9 contract. The election must be held in conjunction with a ~~regular or primary~~ general election.

10 (2) The amount of the bonds authorized by this section may not exceed the debt limitation
 11 established in 7-7-2203 prior to the issuance of the bonds."

12

13 **Section 30.** Section 7-31-107, MCA, is amended to read:

14 **"7-31-107. Authorization for municipality to issue bonds -- election required.** (1) If the petition is
 15 presented to the council of any incorporated city or town, the council, for the purpose of raising money to meet
 16 the payments under the terms and conditions of the contract and other necessary and proper expenses for the
 17 contract and for the approval or disapproval of the petition, shall:

18 (a) ascertain, within 30 days after submission of the petition, the aggregate indebtedness of the
 19 city or town; and

20 (b) submit, after ascertaining the aggregate indebtedness, to the electors of the city or town the
 21 proposition to approve or disapprove the contract and the issuance of bonds necessary to carry out the
 22 contract. The election must be held in conjunction with a ~~regular or primary~~ general election.

23 (2) The amount of the bonds authorized by this section may not exceed 0.9% of the total assessed
 24 value of taxable property, determined as provided in 15-8-111, within the city or town, inclusive of the existing
 25 indebtedness of the city or town, as ascertained in the manner provided in this part."

26

27 **Section 31.** Section 7-31-109, MCA, is amended to read:

28 **"7-31-109. Conduct of election.** (1) The vote upon a proposition under this part must be at an

1 election for that purpose to be held, conducted, and counted and with results ascertained and determined in the
2 manner and by the same officers provided by law for general elections, except as otherwise provided in this
3 section. The election must be held in conjunction with a ~~regular or primary~~ general election.

4 (2) The proposition must be submitted upon printed tickets or ballots, upon each of which is printed
5 the following: "For the contract and bonds" and "Against the contract and bonds". The elector shall vote by a
6 cross opposite one statement.

7 (3) No registration under the election laws of this state is required for the purposes of the election,
8 and the registration from the last election governs and controls for the purpose of the election to be held under
9 this part."

10

11 **Section 32.** Section 7-33-2106, MCA, is amended to read:

12 **"7-33-2106. Details relating to board of trustees of fire district -- election -- qualified electors.**

13 (1) (a) The five trustees initially appointed by the county commissioners hold staggered terms of office until their
14 successors are elected or appointed and qualified as provided in this section.

15 (b) The initial trustees' terms of office must be drawn by lot and include:

16 (i) ~~3 years~~ 6 years for one trustee;

17 (ii) ~~2 years~~ 4 years for two trustees; and

18 (iii) ~~1 year~~ 2 years for two trustees.

19 (c) Upon expiration of the terms provided in subsection (1)(b), each subsequent trustee shall serve
20 a ~~3-year~~ 4-year term of office.

21 (d) A term of office begins on the date of the trustee's election or appointment.

22 (2) Trustee elections must be held during a general election and must be conducted in accordance
23 with Title 13, chapter 1, part 5.

24 (3) An appointment to fill a vacancy occurring during the term of office of a trustee must be made
25 by the county governing body and the appointee shall hold office until the next ~~trustee~~ general election.

26 (4) An elector, as defined in 13-1-101, who resides in the district or any holder of title to lands
27 within the district who presents a proof of payment of taxes on the lands at the polling place is eligible to vote in
28 the election.

1 (5) Any person eligible to vote in the election may file a declaration of candidacy for the office of
2 trustee. The declaration must be filed with the election administrator in the county conducting the election
3 pursuant to 13-1-505 within the time period specified in 13-1-502.

4 (6) If there is not a candidate for one or more trustee offices, the board of county commissioners
5 shall appoint one or more trustees as necessary to fill those offices. A trustee taking office pursuant to this
6 subsection serves the trustee term of office as if that trustee had been elected.

7 (7) The trustees shall organize by choosing presiding officers and appointing one member to act
8 as secretary."

9

10 **Section 33.** Section 7-34-2109, MCA, is amended to read:

11 **"7-34-2109. Election on question of creating hospital district.** The board of county
12 commissioners, upon completion of the hearing provided for in 7-34-2106 through 7-34-2108, shall proceed by
13 resolution to refer the question of the creation of such district to the persons qualified to vote on such
14 proposition. The election must be held in conjunction with a general election as described in 13-1-104."

15

16 **Section 34.** Section 7-34-2110, MCA, is amended to read:

17 **"7-34-2110. Resolution calling for election on creation of district -- conduct of election.** (1) The
18 board of county commissioners in its resolution may make changes in the boundaries of the proposed district
19 that it considers advisable, without including any additional lands not described in the petition, and it shall call
20 an election on the question of the creation of the district.

21 (2) The election must be held during a general election and must be conducted in accordance with
22 Title 13, chapter 1, part 5."

23

24 **Section 35.** Section 7-34-2414, MCA, is amended to read:

25 **"7-34-2414. Election required on question of issuance of bonds.** (1) A county may not issue
26 bonds to which all or a portion of the taxes levied under 7-6-2512 are pledged or to which the general tax
27 authorized under 7-34-2418 is pledged until the question of approval of the issuance of the bonds has been
28 submitted to the registered electors of the county at a general election ~~or a special election called for that~~

1 ~~purpose by the governing body of the county~~ and the majority of the electors voting on the question have voted
2 in favor of issuing the bonds. ~~A special election must be conducted in conjunction with a regular or primary~~
3 ~~election.~~ The notice and conduct of the election must be governed, to the extent applicable, by the laws
4 governing the election on county general obligation bonds in chapter 7, part 22.

5 (2) If less than a majority of the electors voting on the issuance of the bonds vote in favor of the
6 issuance of the bonds, the county may not issue the bonds under 7-34-2411."

7

8 **Section 36.** Section 13-1-101, MCA, is amended to read:

9 **"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the
10 following definitions apply:

11 (1) "Active elector" means an elector whose name has not been placed on the inactive list due to
12 failure to respond to confirmation notices pursuant to 13-2-220 or 13-19-313.

13 (2) "Active list" means a list of active electors maintained pursuant to 13-2-220.

14 (3) "Anything of value" means any goods that have a certain utility to the recipient that is real and
15 that is ordinarily not given away free but is purchased.

16 (4) "Application for voter registration" means a voter registration form prescribed by the secretary
17 of state that is completed and signed by an elector, is submitted to the election administrator, and contains
18 voter registration information subject to verification as provided by law.

19 (5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such
20 as an optical scan system or other technology that automatically tabulates votes cast by processing the paper
21 ballots.

22 (6) (a) "Ballot issue" or "issue" means a proposal submitted to the people at an election for their
23 approval or rejection, including but not limited to an initiative, referendum, proposed constitutional amendment,
24 recall question, school levy question, bond issue question, or ballot question.

25 (b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by
26 the proper official that the legal procedure necessary for its qualification and placement on the ballot has been
27 completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the
28 secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

1 (7) "Ballot issue committee" means a political committee specifically organized to support or
2 oppose a ballot issue.

3 (8) "Candidate" means:

4 (a) an individual who has filed a declaration or petition for nomination, acceptance of nomination,
5 or appointment as a candidate for public office as required by law;

6 (b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and
7 retained contributions, made expenditures, or given consent to an individual, organization, political party, or
8 committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure
9 nomination or election to any office at any time, whether or not the office for which the individual will seek
10 nomination or election is known when the:

11 (i) solicitation is made;

12 (ii) contribution is received and retained; or

13 (iii) expenditure is made; or

14 (c) an officeholder who is the subject of a recall election.

15 (9) (a) "Contribution" means:

16 (i) the receipt by a candidate or a political committee of an advance, gift, loan, conveyance,
17 deposit, payment, or distribution of money or anything of value to support or oppose a candidate or a ballot
18 issue;

19 (ii) an expenditure, including an in-kind expenditure, that is made in coordination with a candidate
20 or ballot issue committee and is reportable by the candidate or ballot issue committee as a contribution;

21 (iii) the receipt by a political committee of funds transferred from another political committee; or

22 (iv) the payment by a person other than a candidate or political committee of compensation for the
23 personal services of another person that are rendered to a candidate or political committee.

24 (b) The term does not mean:

25 (i) services provided without compensation by individuals volunteering a portion or all of their time
26 on behalf of a candidate or political committee;

27 (ii) meals and lodging provided by individuals in their private residences for a candidate or other
28 individual;

1 (iii) the use of a person's real property for a fundraising reception or other political event; or
2 (iv) the cost of a communication not for distribution to the general public by a religious organization
3 exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held
4 religious beliefs or practices.

5 (c) This definition does not apply to Title 13, chapter 37, part 6.

6 (10) "Coordinated", including any variations of the term, means made in cooperation with, in
7 consultation with, at the request of, or with the express prior consent of a candidate or political committee or an
8 agent of a candidate or political committee.

9 (11) "De minimis act" means an action, contribution, or expenditure that is so small that it does not
10 trigger registration, reporting, disclaimer, or disclosure obligations under Title 13, chapter 35 or 37, or warrant
11 enforcement as a campaign practices violation under Title 13, chapter 37.

12 (12) "Disability" means a temporary or permanent mental or physical impairment such as:

13 (a) impaired vision;

14 (b) impaired hearing;

15 (c) impaired mobility. Individuals having impaired mobility include those who require use of a
16 wheelchair and those who are ambulatory but are physically impaired because of age, disability, or disease.

17 (d) impaired mental or physical functioning that makes it difficult for the person to participate in the
18 process of voting.

19 (13) "Election" means a general, special, or primary election held pursuant to the requirements of
20 state law, regardless of the time or purpose.

21 (14) ~~(a) "Election administrator" means, except as provided in subsection (14)(b), the county clerk~~
22 ~~and recorder or the individual designated by a county governing body to be responsible for all election~~
23 ~~administration duties, except that with regard to school elections not administered by the county, the term~~
24 ~~means the school district clerk.~~

25 ~~(b) As used in chapter 2 regarding voter registration, the term means the county clerk and recorder or~~
26 ~~the individual designated by a county governing body to be responsible for all election administration duties~~
27 ~~even if the school election is administered by the school district clerk.~~

28 (15) (a) "Election communication" means the following forms of communication to support or

1 oppose a candidate or ballot issue:

2 (i) a paid advertisement broadcast over radio, television, cable, or satellite;

3 (ii) paid placement of content on the internet or other electronic communication network;

4 (iii) a paid advertisement published in a newspaper or periodical or on a billboard;

5 (iv) a mailing; or

6 (v) printed materials.

7 (b) The term does not mean:

8 (i) an activity or communication for the purpose of encouraging individuals to register to vote or to
9 vote, if that activity or communication does not mention or depict a clearly identified candidate or ballot issue;

10 (ii) a communication that does not support or oppose a candidate or ballot issue;

11 (iii) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any
12 broadcasting station, newspaper, magazine, internet website, or other periodical publication of general
13 circulation;

14 (iv) a communication by any membership organization or corporation to its members, stockholders,
15 or employees;

16 (v) a communication not for distribution to the general public by a religious organization exempt
17 from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious
18 beliefs or practices; or

19 (vi) a communication that the commissioner determines by rule is not an election communication.

20 (16) "Election judge" means a person who is appointed pursuant to Title 13, chapter 4, part 1, to
21 perform duties as specified by law.

22 (17) (a) "Electioneering communication" means a paid communication that is publicly distributed by
23 radio, television, cable, satellite, internet website, newspaper, periodical, billboard, mail, or any other
24 distribution of printed materials, that is made within 60 days of the initiation of voting in an election, that does
25 not support or oppose a candidate or ballot issue, that can be received by more than 100 recipients in the
26 district voting on the candidate or ballot issue, and that:

27 (i) refers to one or more clearly identified candidates in that election;

28 (ii) depicts the name, image, likeness, or voice of one or more clearly identified candidates in that

1 election; or

2 (iii) refers to a political party, ballot issue, or other question submitted to the voters in that election.

3 (b) The term does not mean:

4 (i) a bona fide news story, commentary, blog, or editorial distributed through the facilities of any
5 broadcasting station, newspaper, magazine, internet website, or other periodical publication of general
6 circulation unless the facilities are owned or controlled by a candidate or political committee;

7 (ii) a communication by any membership organization or corporation to its members, stockholders,
8 or employees;

9 (iii) a commercial communication that depicts a candidate's name, image, likeness, or voice only in
10 the candidate's capacity as owner, operator, or employee of a business that existed prior to the candidacy;

11 (iv) a communication that constitutes a candidate debate or forum or that solely promotes a
12 candidate debate or forum and is made by or on behalf of the person sponsoring the debate or forum;

13 (v) a communication not for distribution to the general public by a religious organization exempt
14 from federal income tax when compliance with Title 13 would burden the organization's sincerely held religious
15 beliefs or practices; or

16 (vi) a communication that the commissioner determines by rule is not an electioneering
17 communication.

18 (18) "Elector" means an individual qualified to vote under state law.

19 (19) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or
20 gift of money or anything of value:

21 (i) made by a candidate or political committee to support or oppose a candidate or a ballot issue;

22 (ii) made by a candidate while the candidate is engaging in campaign activity to pay child-care
23 expenses as provided in 13-37-220; or

24 (iii) used or intended for use in making independent expenditures or in producing electioneering
25 communications.

26 (b) The term does not mean:

27 (i) services, food, or lodging provided in a manner that they are not contributions under subsection
28 (9);

- 1 (ii) except as provided in subsection (19)(a)(ii), payments by a candidate for personal travel
2 expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;
- 3 (iii) the cost of any bona fide news story, commentary, blog, or editorial distributed through the
4 facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general
5 circulation;
- 6 (iv) the cost of any communication by any membership organization or corporation to its members
7 or stockholders or employees;
- 8 (v) the use of a person's real property for a fundraising reception or other political event; or
- 9 (vi) the cost of a communication not for distribution to the general public by a religious organization
10 exempt from federal income tax when compliance with Title 13 would burden the organization's sincerely held
11 religious beliefs or practices.
- 12 (c) This definition does not apply to Title 13, chapter 37, part 6.
- 13 (20) "Federal election" means an election in even-numbered years in which an elector may vote for
14 individuals for the office of president of the United States or for the United States congress.
- 15 (21) "General election" means an election that is held for offices that first appear on a primary
16 election ballot, unless the primary is cancelled as authorized by law, and that is held on a date specified in 13-
17 1-104.
- 18 (22) "Inactive elector" means an individual who failed to respond to confirmation notices and whose
19 name was placed on the inactive list pursuant to 13-2-220 or 13-19-313.
- 20 (23) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.
- 21 (24) (a) "Incidental committee" means a political committee that is not specifically organized or
22 operating for the primary purpose of supporting or opposing candidates or ballot issues but that may
23 incidentally become a political committee by receiving a contribution or making an expenditure.
- 24 (b) For the purpose of this subsection (24), the primary purpose is determined by the
25 commissioner by rule and includes criteria such as the allocation of budget, staff, or members' activity or the
26 statement of purpose or goal of the person or individuals that form the committee.
- 27 (25) "Independent committee" means a political committee organized for the primary purpose of
28 receiving contributions and making expenditures that is not controlled either directly or indirectly by a candidate

1 and that does not coordinate with a candidate in conjunction with the making of expenditures except pursuant
2 to the limits set forth in 13-37-216(1).

3 (26) "Independent expenditure" means an expenditure for an election communication to support or
4 oppose a candidate or ballot issue made at any time that is not coordinated with a candidate or ballot issue
5 committee.

6 (27) "Individual" means a human being.

7 (28) "Legally registered elector" means an individual whose application for voter registration was
8 accepted, processed, and verified as provided by law.

9 (29) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by
10 mailing ballots to all active electors.

11 (30) "Person" means an individual, corporation, association, firm, partnership, cooperative,
12 committee, including a political committee, club, union, or other organization or group of individuals or a
13 candidate as defined in subsection (8).

14 (31) "Place of deposit" means a location designated by the election administrator pursuant to 13-19-
15 307 for a mail ballot election conducted under Title 13, chapter 19.

16 (32) (a) "Political committee" means a combination of two or more individuals or a person other than
17 an individual who receives a contribution or makes an expenditure:

18 (i) to support or oppose a candidate or a committee organized to support or oppose a candidate
19 or a petition for nomination;

20 (ii) to support or oppose a ballot issue or a committee organized to support or oppose a ballot
21 issue; or

22 (iii) to prepare or disseminate an election communication, an electioneering communication, or an
23 independent expenditure.

24 (b) Political committees include ballot issue committees, incidental committees, independent
25 committees, and political party committees.

26 (c) A candidate and the candidate's treasurer do not constitute a political committee.

27 (d) A political committee is not formed when a combination of two or more individuals or a person
28 other than an individual makes an election communication, an electioneering communication, or an

1 independent expenditure of \$250 or less.

2 (e) A joint fundraising committee is not a political committee.

3 (33) "Political party committee" means a political committee formed by a political party organization
4 and includes all county and city central committees.

5 (34) "Political party organization" means a political organization that:

6 (a) was represented on the official ballot in either of the two most recent statewide general
7 elections; or

8 (b) has met the petition requirements provided in Title 13, chapter 10, part 5.

9 (35) "Political subdivision" means a county, consolidated municipal-county government,
10 municipality, special purpose district, or any other unit of government, ~~except school districts~~, having authority
11 to hold an election.

12 (36) "Polling place election" means an election primarily conducted at polling places rather than by
13 mail under the provisions of Title 13, chapter 19.

14 (37) "Primary" or "primary election" means an election held on a date specified in 13-1-107 to
15 nominate candidates for offices filled at a general election.

16 (38) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not
17 been verified as provided by law.

18 (39) "Provisionally registered elector" means an individual whose application for voter registration
19 was accepted but whose identity or eligibility has not yet been verified as provided by law.

20 (40) "Public office" means a state, county, municipal, school, or other district office that is filled by
21 the people at an election.

22 (41) "Random-sample audit" means an audit involving a manual count of ballots from designated
23 races and ballot issues in precincts selected through a random process as provided in 13-17-503.

24 (42) "Registrar" means the county election administrator and any regularly appointed deputy or
25 assistant election administrator.

26 (43) "Regular school election" means the school trustee election ~~provided for in~~ held in accordance
27 with 20-20-105(1).

28 (44) "Religious organization" means a house of worship with the major purpose of supporting

1 religious activities, including but not limited to a church, mosque, shrine, synagogue, or temple. The organic
2 documents of the organization must list a formal code of doctrine and discipline, and the organization must
3 spend the majority of its money on religious activities such as regular religious services, educational
4 preparation for its ministers, development and support of its ministers, membership development, outreach and
5 support, and the production and distribution of religious literature developed by the organization.

6 (45) "School election" has the meaning provided in 20-1-101.

7 (46) "School election filing officer" means the filing officer with whom the declarations for nomination
8 for school district office were filed or with whom the school ballot issue was filed.

9 (47) "School recount board" means the board authorized pursuant to 20-20-420 to perform recount
10 duties in school elections.

11 (48) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and that
12 is designed to:

13 (a) allow election officials, upon examination of the outside of the envelope, to determine that the
14 ballot is being submitted by someone who is in fact a qualified elector and who has not already voted; and

15 (b) allow it to be used in the United States mail.

16 (49) "Special election" means an election held on a day other than the day specified for a primary
17 election, ~~or general election, or regular school election.~~

18 (50) "Special purpose district" means an area with special boundaries created as authorized by law
19 for a specialized and limited purpose.

20 (51) "Statewide voter registration list" means the voter registration list established and maintained
21 pursuant to 13-2-107 and 13-2-108.

22 (52) "Support or oppose", including any variations of the term, means:

23 (a) using express words, including but not limited to "vote", "oppose", "support", "elect", "defeat", or
24 "reject", that call for the nomination, election, or defeat of one or more clearly identified candidates, the election
25 or defeat of one or more political parties, or the passage or defeat of one or more ballot issues submitted to
26 voters in an election; or

27 (b) otherwise referring to or depicting one or more clearly identified candidates, political parties, or
28 ballot issues in a manner that is susceptible of no reasonable interpretation other than as a call for the

1 nomination, election, or defeat of the candidate in an election, the election or defeat of the political party, or the
 2 passage or defeat of the ballot issue or other question submitted to the voters in an election.

3 (53) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided
 4 in 13-15-206.

5 (54) "Voted ballot" means a ballot that is:

- 6 (a) deposited in the ballot box at a polling place;
- 7 (b) received at the election administrator's office; or
- 8 (c) returned to a place of deposit.

9 (55) "Voter interface device" means a voting system that:

- 10 (a) is accessible to electors with disabilities;
- 11 (b) communicates voting instructions and ballot information to a voter;
- 12 (c) allows the voter to select and vote for candidates and issues and to verify and change
 13 selections; and

14 (d) produces a paper ballot that displays electors' choices so the elector can confirm the ballot's
 15 accuracy and that may be manually counted.

16 (56) "Voting system" or "system" means any machine, device, technology, or equipment used to
 17 automatically record, tabulate, or process the vote of an elector cast on a paper ballot."
 18

19 **Section 37.** Section 13-1-104, MCA, is amended to read:

20 **"13-1-104. Times for holding general elections.** (1) A general election must be held throughout the
 21 state on the first Tuesday after the first Monday in November.

22 (2) In every even-numbered year, the following elections must be held on general election day:

23 (a) an election on any ballot issue submitted to electors pursuant to Article III, section 6, unless the
 24 legislature orders a special election, or Article XIV, section 8, of the Montana constitution;

25 (b) an election of federal officers, members of the legislature, state officers, multicounty district
 26 officers elected at a statewide election, district court judges, and county officers; ~~and~~

27 (c) any other election required by law to be held on general election day in an even-numbered
 28 year-;

1 ~~(3) In every odd-numbered year, the following elections must be held on the same day as the general~~
 2 ~~election:~~

3 ~~(a)(d) an election of officers for municipalities required by law to hold the election; and~~

4 ~~(b) any other election required by law to be held on general election day in an odd-numbered year."~~

5

6 **Section 38.** Section 13-1-106, MCA, is amended to read:

7 **"13-1-106. Time of opening and closing of polls for all elections -- exceptions.** (1) Except as
 8 provided in ~~subsections (2)(a) and (3)~~ subsection (2), polling places must be open from 7 a.m. to 8 p.m.

9 (2) (a) A polling place having fewer than 400 registered electors who intend to vote at the polling
 10 place must be open from at least noon to 8 p.m. or until all registered electors in any precinct have voted, at
 11 which time that precinct in the polling place must be closed immediately.

12 (b) The determination of whether a polling place has fewer than 400 registered electors who intend
 13 to vote at the polling place is calculated by subtracting the number of registered electors who have applied to
 14 vote using an absentee ballot from the total number of registered electors.

15 (c) The election administrator responsible for a polling place opening later than 7 a.m. pursuant to
 16 this subsection (2) shall provide notice of the change in polling place hours to affected registered electors who
 17 have not received an absentee ballot. The notice must be mailed to each affected registered voter no later than
 18 30 days prior to the election. However, if the polling place opens at the same time in each subsequent election,
 19 only one notice mailed before the initial election affected by the change in polling place hours is required.

20 ~~(3) If an election is held on the same day as a school election and is conducted in the same polling~~
 21 ~~place, the polling place must be opened and closed at the times set for the school election, as provided in 20-~~
 22 ~~20-106.~~

23 ~~(4)(3)~~ If a polling place serves a precinct that lies partially or wholly within the boundaries of an Indian
 24 reservation, the hours of operation may not be shortened pursuant to subsection (2) until after the county
 25 governing body consults with the governing body of the Indian reservation concerning the potential change in
 26 hours of operation."

27

28 **Section 39.** Section 13-1-107, MCA, is amended to read:

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

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

6 ~~(3)(2)~~ The cost of a municipal election must be paid by the municipality."
7

8 **Section 40.** Section 13-1-203, MCA, is amended to read:

9 **"13-1-203. Secretary of state to advise, assist, and train.** (1) The secretary of state shall advise
10 and assist election administrators, ~~including administrators of school elections under Title 20, chapter 20,~~ with
11 regard to:

12 (a) the application, operation, and interpretation of Title 13, except for chapter 35, 36, or 37, and
13 Title 20 with regard to school elections;

14 (b) the implementation and operation of the National Voter Registration Act of 1993, Public Law
15 103-31, the Americans with Disabilities Act of 1990, 42 U.S.C. 12101, et seq., the Voting Rights Act of 1965, 52
16 U.S.C. 10101, et seq., the Voting Accessibility for the Elderly and Handicapped Act of 1984, 52 U.S.C. 20101,
17 et seq., and the Help America Vote Act of 2002, Public Law 107-252; and

18 (c) the procedures adopted pursuant to 13-17-211.

19 (2) The secretary of state shall prepare and distribute training materials for election judges to be
20 trained pursuant to 13-4-203. Sufficient copies of the materials to supply all election judges in the county and to
21 provide a small extra supply must be sent to each election administrator.

22 (3) (a) The secretary of state shall hold at least one training session every 2 years to instruct
23 election administrators and their staffs on how to conduct and administer primary and general elections. The
24 training must also include instruction on the use of the statewide voter registration system. The training may be
25 held in various locations around the state. The training must also be offered online and through
26 teleconferencing.

27 (b) Costs of the biennial training, including the materials, must be paid by the secretary of state.

28 (4) In addition to completing the biennial training under subsection (3), each election administrator

1 shall complete 6 hours of election-related continuing education each year that is approved by the secretary of
2 state. Costs for the continuing education must be paid by the counties.

3 (5) The secretary of state shall:

4 (a) certify for election administration purposes each election administrator who attends the biennial
5 training and completes the required continuing education; and

6 (b) provide a certificate of completion to election staff who attend the biennial election training
7 described in subsection (3).

8 (6) An election administrator may require that election staff complete the continuing education
9 described in subsection (4) and provide a certificate of completion to staff who complete it."

10

11 **Section 41.** Section 13-1-204, MCA, is amended to read:

12 **"13-1-204. Election records to be kept by secretary of state.** (1) The secretary of state shall
13 maintain current and accurate records including:

14 (a) a list of all precincts and school districts in each county;

15 (b) a map showing the boundaries of all precincts and school districts in each county;

16 (c) a count of the number of registered voters in each precinct for the latest general election and in
17 each school district for the latest regular school election;

18 (d) a list of legislative districts, judicial districts, and any multicounty election districts, showing the
19 precinct numbers of each county contained in each district and the number of registered voters in each district
20 for the most recent general election and a list of school districts;

21 (e) a count of votes cast at the most recent general election by precinct and by legislative, judicial,
22 and multicounty districts, and a count of votes cast in the most recent regular school election; and

23 (f) records required to be submitted from local election administrators and other agencies and
24 coordinated by the secretary of state pursuant to the National Voter Registration Act of 1993, Public Law 103-
25 31.

26 (2) Each election administrator shall provide the information and map for the record required in
27 subsection (1) in the form and at the time prescribed by the secretary of state.

28 (3) The records required in subsection (1) and all records in the secretary of state's office

1 pertaining to elections must be open for public inspection during normal office hours."

2

3 **Section 42.** Section 13-1-301, MCA, is amended to read:

4 **"13-1-301. Election administrator.** (1) The county clerk and recorder of each county is the election
5 administrator unless the governing body of the county designates another official or appoints an election
6 administrator.

7 (2) The election administrator is responsible for the administration of all procedures relating to
8 registration of electors and conduct of elections, shall keep all county records relating to elector registration and
9 elections, and is the primary point of contact for the county with respect to the statewide voter registration list
10 and implementation of other provisions of applicable federal law governing elections.

11 (3) The election administrator may appoint a deputy election administrator for each political
12 subdivision required to hold elections.

13 (4) The election administrator may appoint a deputy election administrator for school elections."

14

15 **Section 43.** Section 13-1-302, MCA, is amended to read:

16 **"13-1-302. Election costs.** (1) Unless specifically provided otherwise, all costs of the regularly
17 scheduled primary and general elections shall be paid by the counties and other political subdivisions for which
18 the elections are held. Each political subdivision shall bear its proportionate share of the costs as determined by
19 the county governing body.

20 (2) A political subdivision holding an annual election with a regularly scheduled school election
21 shall bear its proportionate share of the costs as determined by the county election administrator and the school
22 district ~~election administrator.~~

23 (3) The political subdivision for which a special election is held shall bear all costs of the election,
24 or its proportionate share as determined by the county governing body if held in conjunction with any other
25 election.

26 (4) Costs of elections may not include the services of the election administrator or capital
27 expenditures. A county may not charge a political subdivision or school district for the purchase or routine
28 maintenance of a voter interface device. However, the county may charge for the cost of programming a device

1 for the election and for replacement, repairs, or maintenance required due to the political subdivision's or school
2 district's ~~use of the device~~ election.

3 (5) The county governing body shall set a schedule of fees for services provided to school districts
4 by the election administrator. ~~Before finalizing a contract to conduct a school election pursuant to a request~~
5 ~~under 20-20-417, the county shall provide the school district with an estimate of costs for each county voter~~
6 ~~interface device to be used for the election. When a school district is conducting its own election, the school~~
7 ~~district shall request from the county an estimate of the cost for using a county voter interface device. The~~
8 ~~county shall provide the estimate within 30 days of receiving the school district's request.~~

9 (6) Election costs shall be paid from county funds, and any shares paid by other political
10 subdivisions and school districts shall be credited to the fund from which the costs were paid.

11 (7) The proportionate costs referred to in subsection (1) of this section shall be only those
12 additional costs incurred as a result of the political subdivision holding its election in conjunction with the
13 primary or general election."
14

15 **Section 44.** Section 13-1-405, MCA, is amended to read:

16 "**13-1-405. Date of local government elections -- call for election.** (4) A local government election
17 must be held on the same day as the primary election day established in 13-1-107 or the general election day
18 established in 13-1-104, ~~except that an election concerning funding may be called as a special election.~~

19 (2) ~~A local government election may not be held sooner than 85 days after the date of the order or~~
20 ~~resolution calling for the election.~~

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

24

25 **Section 45.** Section 13-1-504, MCA, is amended to read:

26 "**13-1-504. Dates for special purpose district elections -- call for election.** (1) ~~Except as provided~~
27 ~~in subsection (2), the~~ The following elections for a special purpose district must be held on the same day as the
28 regular school election day established in 20-20-105(1), which is the first Tuesday after the first Monday in May

1 primary or general election in an even-numbered year:

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

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

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

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

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

11 ~~(4)(3)~~ A special purpose district election may not be held earlier than 85 days after the date of the
12 order or resolution calling for the election.

13 ~~(5)(4)~~ Pursuant to 13-19-201, the governing body authorized by law to call an election shall specify in
14 the order or resolution calling for the election whether the governing body is requesting that the election be
15 conducted by mail."

16

17 **Section 46.** Section 13-2-304, MCA, is amended to read:

18 **"13-2-304. Late registration -- late changes.** (1) Except as provided in 13-21-104 and subsection (2)
19 of this section, the following provisions apply:

20 (a) An elector may register or change the elector's voter registration information after the close of
21 regular registration as provided in 13-2-301 and vote in the election if the election administrator in the county
22 where the elector resides receives and verifies the elector's voter registration information prior to noon the day
23 before the election.

24 (b) Except as provided in 13-2-514(2)(a) and subsection (1)(c) of this section, an elector who
25 registers or changes the elector's voter information pursuant to this section may vote in the election if the
26 elector obtains the ballot from the location designated by the county election administrator.

27 ~~(c) With respect to an elector who registers late pursuant to this section for a school election~~
28 ~~conducted by a school clerk, the elector may vote in the election only if the elector obtains from the county~~

1 ~~election administrator a document, in a form prescribed by the secretary of state, verifying the elector's late~~
 2 ~~registration. The elector shall provide the verification document to the school clerk, who shall issue the ballot to~~
 3 ~~the elector and enter the verification document as part of the official register.~~

4 ~~(d)(c)~~ An elector who registers late and obtains a ballot pursuant to this section may return the ballot
 5 as follows:

6 (i) before election day, to a location designated by the county election administrator ~~or school~~
 7 ~~clerk if the election is administered by the school district; or~~

8 (ii) on election day, to the election office or to any polling place in the county where the elector is
 9 registered to vote ~~or, if the ballot is for a school election, to any polling place in the school district where the~~
 10 ~~election is being conducted.~~

11 (2) If an elector has already been issued a ballot for the election, the elector may change the
 12 elector's voter registration information only if the original voted ballot has not been received at the county
 13 election office, ~~or received by the school district if the district is administering the election,~~ and if the original
 14 ballot that was issued is marked by the issuing county as void in the statewide voter registration system, ~~or by~~
 15 ~~the school district if the district is administering the election,~~ prior to the change."

16

17 **Section 47.** Section 13-10-211, MCA, is amended to read:

18 **"13-10-211. Declaration of intent for write-in candidates.** (1) Except as provided in subsection (7),
 19 a person seeking to become a write-in candidate for an office in any election shall file a declaration of intent.

20 Except for a candidate under 13-38-201(4) or a candidate covered under 7-1-205, a candidate may not file for

21 more than one public office. The declaration of intent must be filed with the secretary of state or election

22 administrator, depending on where a declaration of nomination for the desired office is required to be filed

23 under 13-10-201, or with the school district clerk for a school district office. When a county election

24 administrator is conducting the election for a school district, the school district clerk or school district office that

25 receives the declaration of intent shall notify the county election administrator of the filing. Except as provided in

26 13-1-403, ~~13-1-503~~, 20-3-305(3)(b), and subsection (2) of this section, the declaration must be filed no later

27 than 5 p.m. on the 10th day before the earliest date established under 13-13-205 on which a ballot must be

28 available and must contain:

- 1 (a) the candidate's name, including:
- 2 (i) the candidate's first and last names;
- 3 (ii) the candidate's initials, if any, used instead of a first name, or first and middle name, and the
- 4 candidate's last name;
- 5 (iii) the candidate's nickname, if any, used instead of a first name, and the candidate's last name;
- 6 and
- 7 (iv) a derivative or diminutive name, if any, used instead of a first name, and the candidate's last
- 8 name;
- 9 (b) the candidate's mailing address;
- 10 (c) a statement declaring the candidate's intention to be a write-in candidate;
- 11 (d) the title of the office sought;
- 12 (e) the date of the election;
- 13 (f) the date of the declaration; and
- 14 (g) the candidate's signature.
- 15 (2) A declaration of intent may be filed after the deadline provided for in subsection (1) but no later
- 16 than 5 p.m. on the day before the election if, after the deadline prescribed in subsection (1), a candidate for the
- 17 office that the write-in candidate is seeking dies or is charged with a felony offense and if the election has not
- 18 been canceled as provided by law.
- 19 (3) The secretary of state shall notify each election administrator of the names of write-in
- 20 candidates who have filed a declaration of intent with the secretary of state. Each election administrator shall
- 21 notify the election judges in the county or district of the names of write-in candidates who have filed a
- 22 declaration of intent.
- 23 (4) A properly completed and signed declaration of intent may be provided to the election
- 24 administrator or secretary of state:
- 25 (a) by facsimile transmission;
- 26 (b) in person;
- 27 (c) by mail; or
- 28 (d) by electronic mail.

1 (5) A declaration is not valid until the filing fee required pursuant to 13-10-202 is received by the
2 secretary of state or the election administrator.

3 (6) A write-in candidate who files a declaration of intent for a general election may not file with a
4 partisan, nonpartisan, or independent designation.

5 (7) Except as provided in 13-38-201(4)(b), the requirements in subsection (1) do not apply if:

6 (a) an election is held;

7 (b) a person's name is written in on the ballot;

8 (c) the person is qualified for and seeks election to the office for which the person's name was
9 written in; and

10 (d) no other candidate has filed a declaration or petition for nomination or a declaration of intent."
11

12 **Section 48.** Section 13-13-205, MCA, is amended to read:

13 **"13-13-205. When ballots to be available for absentee voting.** (1) Except as provided in subsection
14 (2), the election administrator shall ensure that ballots for a polling place election are available ~~as follows:~~

15 ~~(a)~~ as follows:

16 ~~(i)~~(a) 30 days prior to election day for absentee voting in person;

17 ~~(ii)~~(b) 25 days prior to the election for mailing ballots to absentee voters; ~~and~~

18 ~~(b) 20 days prior to election day for a special purpose district or school district election, except that~~
19 ~~ballots for a conservation district election held on a primary or general election day must be available as~~
20 ~~provided in subsection (1)(a).~~

21 (2) A federal election ballot requested by an absent uniformed services or overseas elector
22 pursuant to Title 13, chapter 21, must be sent to the elector as soon as the ballot is printed but not later than 45
23 days in advance of the election."
24

25 **Section 49.** Section 13-13-222, MCA, is amended to read:

26 **"13-13-222. Marking ballot in person before election day.** (1) As soon as the official ballots are
27 available for in-person absentee voting under ~~13-13-205(1)(a)(i)~~ 13-13-205, the election administrator shall
28 permit an elector to apply for, receive, and mark an absentee ballot before election day by appearing in person

1 at the office of the election administrator and marking the ballot in a voting station area designated by the
2 election administrator.

3 (2) The provisions of this chapter apply to voting under this section.

4 (3) For the purposes of this section, an official ballot is voted when the ballot is received at the
5 election administrator's office."

6

7 **Section 50.** Section 13-16-205, MCA, is amended to read:

8 **"13-16-205. Expenses of recount.** (1) Except as provided in subsection (2), the expense of the
9 recount provided for in 13-16-201 is a county charge. Recount expenses of the secretary of state and board of
10 state canvassers are a state charge.

11 (2) If the recount is for a school election, the expense of the recount is a school district charge as
12 provided in ~~20-20-107(4)~~ 20-20-107."

13

14 **Section 51.** Section 13-37-126, MCA, is amended to read:

15 **"13-37-126. Names not to appear on ballot.** (1) The name of a candidate may not appear on the
16 official ballot for an election if the candidate or a treasurer for a candidate fails to file any statement or report as
17 required by 2-2-106 or this chapter.

18 (2) A vacancy on an official ballot under this section may be filled in the manner provided by law,
19 but not by the same candidate.

20 (3) (a) In carrying out the mandate of this section, the commissioner shall, by a written statement,
21 notify the secretary of state and the election administrator conducting an election when a candidate or a
22 candidate's treasurer has not complied with 2-2-106 or the provisions of this chapter and that the candidate's
23 name may not appear on the official ballot.

24 (b) The commissioner shall provide the notification:

25 (i) 2 calendar days before the certification deadline provided in 13-10-208 for statewide primary
26 elections ~~and 20-20-401 for school district elections~~; and

27 (ii) 7 days before the certification deadline provided in 13-12-201 for general elections."

28

1 **Section 52.** Section 15-10-425, MCA, is amended to read:

2 "**15-10-425. Mill levy election.** (1) A county, consolidated government, incorporated city,
3 incorporated town, school district, or other taxing entity may impose a new mill levy, increase a mill levy that is
4 required to be submitted to the electors, or exceed the mill levy limit provided for in 15-10-420 by conducting an
5 election ~~as provided in this section~~ in conjunction with a general election as described in 13-1-104.

6 (2) An election pursuant to this section must be held in accordance with Title 13, chapter 1, part 4
7 ~~or 5, or Title 20 for school elections, whichever is appropriate to the taxing entity.~~ The governing body shall
8 pass a resolution, shall amend its self-governing charter, or must receive a petition indicating an intent to
9 impose a new levy, increase a mill levy, or exceed the current statutory mill levy provided for in 15-10-420 on
10 the approval of a majority of the qualified electors voting in the election. The resolution, charter amendment, or
11 petition must include:

12 (a) the specific purpose for which the additional money will be used;

13 (b) either:

14 (i) the specific amount of money to be raised and the approximate number of mills to be imposed;

15 or

16 (ii) the specific number of mills to be imposed and the approximate amount of money to be raised;

17 and

18 (c) whether the levy is permanent or the durational limit on the levy.

19 (3) Notice of the election must be prepared by the governing body and given as provided in 13-1-
20 108. The form of the ballot must reflect the content of the resolution or charter amendment and must include a
21 statement of the impact of the election on a home valued at \$100,000 and a home valued at \$200,000 in the
22 district in terms of actual dollars in additional property taxes that would be imposed on residences with those
23 values if the mill levy were to pass. The ballot may also include a statement of the impact of the election on
24 homes of any other value in the district, if appropriate.

25 (4) If the majority voting on the question are in favor of the additional levy, the governing body is
26 authorized to impose the levy in either the amount or the number of mills specified in the resolution or charter
27 amendment.

28 (5) A governing body, as defined in 7-6-4002, may reduce an approved levy in any fiscal year

1 without losing the authority to impose in a subsequent fiscal year up to the maximum amount or number of mills
2 approved in the election. However, nothing in this subsection authorizes a governing body to impose more than
3 the approved levy in any fiscal year or to extend the duration of the approved levy."
4

5 **Section 53.** Section 16-12-301, MCA, is amended to read:

6 **"16-12-301. Local government authority to regulate -- opt-in requirement in certain counties --**
7 **exemption for existing licensees.** (1) (a) Except as provided in subsection (1)(b), a marijuana business may
8 not operate in a county in which the majority of voters voted against approval of Initiative Measure No. 190 in
9 the November 3, 2020, general election until:

10 (i) the category or categories of license that the marijuana business seeks has or have been
11 approved by the local jurisdiction where the marijuana business intends to operate as provided in subsection
12 (3) or (4); and

13 (ii) the business is licensed by the department pursuant to this chapter.

14 (b) A former medical marijuana licensee that does not apply for licensure as an adult-use
15 dispensary may operate in its existing premises in compliance with rules adopted by the department pursuant
16 to 16-12-201(2) notwithstanding a local jurisdiction's failure to take action pursuant to subsections (3) through
17 (6).

18 (c) A former medical marijuana licensee that intends to apply for licensure as a cultivator,
19 manufacturer, adult-use dispensary, or testing laboratory may operate in compliance with rules adopted by the
20 department pursuant to 16-12-201(2) notwithstanding a local jurisdiction's failure to take action pursuant to
21 subsections (3) through (6), provided that the former marijuana licensee has remained in good standing with
22 the department of public health and human services and the department.

23 (d) For the purpose of this section, the marijuana business categories that must be approved by a
24 local jurisdiction under subsections (3) through (6) in a county in which the majority of voters voted against
25 approval of Initiative Measure No. 190 in the November 3, 2020, general election before a business may
26 operate are:

27 (i) cultivator;

28 (ii) manufacturer;

1 (iii) medical marijuana dispensary, except as provided in subsection (1)(b);

2 (iv) adult-use dispensary;

3 (v) combined-use marijuana licensee;

4 (vi) testing laboratory; and

5 (vii) marijuana transporter facility.

6 (e) Marijuana businesses located in counties in which the majority of voters voted to approve
7 Initiative Measure No. 190 in the November 3, 2020, general election are not subject to the local government
8 approval process under subsections (3) through (6).

9 (2) (a) To protect the public health, safety, or welfare, a local government may by ordinance or
10 otherwise regulate a marijuana business that operates within the local government's jurisdictional area. The
11 regulations may include but are not limited to inspections of licensed premises, including but not limited to
12 indoor cultivation facilities, dispensaries, manufacturing facilities, and testing laboratories in order to ensure
13 compliance with any public health, safety, and welfare requirements established by the department or the local
14 government.

15 (b) A former medical marijuana licensee that does not apply for licensure as an adult-use
16 dispensary is exempt from complying with any local governmental regulations that are adopted under this
17 subsection after July 1, 2021, until its first license renewal date occurring after January 1, 2022, or the
18 expiration of any grace period granted by the locality, whichever is later.

19 (3) An election regarding whether to approve any or all of the marijuana business categories listed
20 in subsection (1)(d) to be located within a local jurisdiction may be requested by filing a petition in accordance
21 with 7-5-131 through 7-5-135 and 7-5-137 by:

22 (a) the qualified electors of a county; or

23 (b) the qualified electors of a municipality.

24 (4) (a) An election held pursuant to this section must be ~~called~~, held in conjunction with a general
25 election as described in 13-1-104 and be conducted, counted, and canvassed in accordance with Title 13,
26 chapter 1, part 4.

27 (b) An election pursuant to this section ~~may~~ must be held in conjunction with a ~~regular election of~~
28 ~~the governing body, general election, or a regular local or special election.~~

1 (5) If the qualified electors of a county vote to approve a type of marijuana business to be located
2 in the jurisdiction, the governing body shall enter the approval into the records of the local government and
3 notify the department of the election results.

4 (6) (a) If an election is held pursuant to this section in a county that contains within its limits a
5 municipality of more than 5,000 persons according to the most recent federal decennial census:

6 (i) it is not necessary for the registered qualified electors in the municipality to file a separate
7 petition asking for a separate or different vote on the question of whether to prohibit a category of marijuana
8 business from being located in the municipality; and

9 (ii) the county shall conduct the election in a manner that separates the votes in the municipality
10 from those in the remaining parts of the county.

11 (b) If a majority of the qualified electors in the county, including the qualified electors in the
12 municipality, vote to approve a category of marijuana business to be located in the county, the county may
13 allow that category of marijuana business to operate in the county.

14 (c) (i) If a majority of the qualified electors in the municipality vote to approve a category of
15 marijuana business to be located in the municipality, the municipality may allow that type of marijuana business
16 to operate in the municipality.

17 (ii) If a majority of the qualified electors in the municipality vote to prohibit a category of marijuana
18 business from being located in the municipality, the municipality may not allow that type of marijuana business
19 to operate in the municipality.

20 ~~(d) Nothing contained in this subsection (6) prevents any municipality from having a separate election~~
21 ~~under the terms of this section.~~

22 (7) (a) A county or municipality that has voted to approve a category of marijuana business to be
23 located in the jurisdiction or a county in which the majority of voters voted to approve Initiative Measure No. 190
24 in the November 3, 2020, general election may vote to prohibit the previously approved or allowed operations
25 within the jurisdiction.

26 (b) A vote overturning the approval of a category of marijuana business or prohibiting the
27 previously permitted operation of marijuana businesses is effective on the 90th day after the local election is
28 held.

1 (8) A local government may not prohibit the transportation of marijuana within or through its
2 jurisdiction on public roads by any person licensed to do so by the department or as otherwise allowed by this
3 chapter."
4

5 **Section 54.** Section 16-12-311, MCA, is amended to read:

6 **"16-12-311. Local government excise tax-- election required -- procedure -- notice.** (1) A county
7 that has permitted an adult-use dispensary or medical marijuana dispensary to operate within its borders
8 pursuant to 16-12-301 or a county in which the majority of voters voted to approve Initiative Measure No. 190 in
9 the November 3, 2020, general election, may not impose or, except as provided in this section, amend or
10 repeal a local-option marijuana excise tax unless the local-option marijuana excise tax question has been
11 approved by a majority of the qualified electors voting on the question during a general election as described in
12 13-1-104.

13 (2) The local-option marijuana excise tax question may be presented to the qualified electors of a
14 county by a petition of the electors as provided in 7-5-131, 7-5-132, 7-5-134, 7-5-135, and 7-5-137 or by a
15 resolution of the governing body of the county.

16 (3) The petition or resolution referring the taxing question must state:

17 (a) the rate of the tax, which may not exceed 3% of the retail value of all marijuana and marijuana
18 products sold at an adult-use dispensary or medical marijuana dispensary;

19 (b) the date when the tax becomes effective, which may not be earlier than 90 days after the
20 election; and

21 (c) the purposes that may be funded by the tax revenue.

22 (4) On receipt of an adequate petition, the county's governing body shall hold an election during a
23 general election and in accordance with Title 13, chapter 1, part 5.

24 (5) (a) Before the local-option marijuana excise tax question is submitted to the electorate, the
25 county shall provide notice of the goods subject to the local-option marijuana excise tax by a method described
26 in 13-1-108.

27 (b) The notice must be given two times, with at least 6 days separating the notices. The first notice
28 must be given not more than 45 days prior to the election, and the last notice must be given not less than 30

1 days prior to the election.

2 (6) Notice of the election must be given as provided in 13-1-108 and include the information listed
3 in subsection (3) of this section.

4 (7) The question of the imposition of a local-option marijuana excise tax may not be placed before
5 the qualified electors more than once in any fiscal year."

6

7 **Section 55.** Section 20-3-305, MCA, is amended to read:

8 **"20-3-305. Candidate qualification, filing deadline, and withdrawal.** (1) Except as provided in 20-
9 3-338, any person who is qualified to vote in a district under the provisions of 20-20-301 is eligible for the office
10 of trustee.

11 (2) (a) Except as provided in subsection (2)(b), a declaration of intent to be a candidate must be
12 submitted to the clerk of the district at least 40 days before the ~~regular school election day~~ general election at
13 which the person is to be a candidate. If there are different terms to be filled, the term for the position for which
14 the candidate is filing must also be indicated.

15 (b) A person seeking to become a write-in candidate for a trustee position shall file a declaration of
16 intent no later than 5 p.m. on the day before the ballot certification deadline in ~~20-20-404~~ 13-12-201.

17 (3) (a) A candidate intending to withdraw from the election shall send a statement of withdrawal to
18 ~~the clerk of the district~~ county election administrator. The statement must contain all information necessary to
19 identify the candidate and the office for which the candidate filed. The statement of withdrawal must be
20 acknowledged by the ~~clerk of the district~~ county election administrator.

21 (b) A candidate may not withdraw after 5 p.m. the day before the ballot certification deadline in ~~20-~~
22 ~~20-404~~ 13-12-201."

23

24 **Section 56.** Section 20-3-306, MCA, is amended to read:

25 **"20-3-306. Conduct of election.** (1) The trustees of each district shall call a trustee election ~~on the~~
26 ~~regular school election day of each school fiscal year under the provisions of 20-20-201, except as provided in~~
27 ~~20-3-313~~ during a general election as described in 13-1-104. The trustees shall call and conduct the trustee
28 election in the manner prescribed in this title for school elections and Title 13. Any elector qualified to vote

1 under the provisions of 20-20-301 may vote at a trustee election.

2 (2) The trustee election ballots must be substantially in the following form:

3 OFFICIAL BALLOT

4 SCHOOL TRUSTEE ELECTION

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

7 Vote for (indicate number to be elected) for a ~~3-year~~ 4-year term:

8 (List the names of the candidates for a ~~3-year~~ 4-year term with a vacant square in front of each
9 name.)

10 Vote for (indicate number to be elected) for a 2-year term:

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

12 ~~Vote for (indicate number to be elected) for a 1-year term:~~

13 ~~(List the names of the candidates for a 1-year term with a vacant square in front of each~~
14 ~~name.)"~~

15

16 **Section 57.** Section 20-3-307, MCA, is amended to read:

17 **"20-3-307. Qualification and oath.** (1) A person who receives a certificate of election as a trustee
18 under the provisions of 20-3-313 ~~or 20-20-416~~ may not assume the trustee position until the person has
19 qualified. The person shall qualify by taking an oath of office administered by the county superintendent, the
20 superintendent's designee, or any official provided for in 1-6-101 or 2-16-116. The oath must be filed with the
21 county superintendent not more than 15 days after the receipt of the certificate of election. After a person has
22 qualified for a trustee position, the person holds the position until a successor has been elected or appointed
23 and has been qualified.

24 (2) If the elected person does not qualify in accordance with this requirement, a person must be
25 appointed in the manner provided by 20-3-309 and shall serve until the next ~~regular school~~ general election."

26

27 **Section 58.** Section 20-6-326, MCA, is amended to read:

28 **"20-6-326. Procedure for expansion of elementary school district into K-12 school district --**

1 **trustee resolution.** (1) An existing elementary district that is not part of a unified school system or governed by
2 a joint board with a high school district may expand into a K-12 district under the procedures outlined in this
3 section only if the elementary district's ANB, as calculated under the provisions of 20-9-311, is at least 1,000.

4 (2) The expansion to a K-12 district may be requested by the trustees of an existing elementary
5 district through passage of a resolution that includes the information outlined in 20-6-105(3) and requests the
6 ~~county superintendent to order an~~ county election administrator place the issue on the general election ballot to
7 allow the electors of the elementary district to consider the proposition of expanding the elementary school
8 district into a K-12 district. The trustees of an existing elementary district with an ANB of at least 1,000 may not
9 pass a resolution for expansion more than one time within a 5-year period.

10 (3) (a) If the proposition for the expansion is approved by the electors of the elementary district ~~and~~
11 ~~the trustees issue a certificate of election as provided in 20-20-416~~, for a period of 2 years from the date of the
12 certification of the election the elementary trustees have the authority to propose to the electors of the
13 elementary district:

14 (i) a transition costs levy pursuant to 20-9-502; and

15 (ii) a general obligation bond pursuant to Title 20, chapter 9, part 4, for the purpose of building,
16 altering, repairing, buying, furnishing, equipping, purchasing lands for, or obtaining a water supply for a school
17 to accommodate high school students.

18 (b) The bond limitations pursuant to 20-9-406 imposed on a district proposing a bond under
19 subsection (3)(a) must be calculated on the limits for a K-12 district with the high school ANB calculated by
20 dividing the ANB of the elementary district by 9 and multiplying the result by 4.

21 (c) A bond approved under subsection (3)(a) becomes a bond of, and may not be issued until the
22 creation of, the K-12 district formed pursuant to subsection (4).

23 (d) A district that issues a bond under this subsection (3) is eligible for facility reimbursements and
24 advances pursuant to 20-9-366 through 20-9-371 that, until the new high school has enrolled students in all
25 grades and has established an actual ANB for budgeting purposes, must be based on an estimated high school
26 ANB calculated by dividing the ANB of the elementary district by 9 and multiplying the result by 4.

27 (e) Until the county superintendent orders the creation of a new high school district and attachment
28 of the expanding elementary district to form a new K-12 district pursuant to subsection (4), the existing high

1 school district remains intact for all purposes.

2 (4) If elementary electors approve a bond pursuant to subsection (3), on July 1 following the
3 approval of the bond the county superintendent shall order the creation of a new high school district with
4 identical boundaries to the expanding elementary district and the immediate attachment of the expanding
5 elementary district to form a K-12 district. The county superintendent shall send a copy of the order to the board
6 of county commissioners and to the trustees of the districts affected by the creation of the district. The trustees
7 of the expanding elementary district must be designated as the trustees of the new K-12 district.

8 (5) Prior to the first school fiscal year in which the K-12 district will enroll students in a particular
9 high school grade, the K-12 trustees shall prepare operating budgets for the new high school according to the
10 school budgeting provisions of this title, except that:

11 (a) the ANB for any inaugural grades for the high school program of the K-12 district must be
12 estimated by the trustees and may not exceed the number resulting from dividing the highest budgeted ANB of
13 the elementary program in the preceding 3 fiscal years by 9 and multiplying the result by the number of grades
14 in which the high school will enroll students for the first time in the ensuing school year;

15 (b) the number of quality educators for the high school program must be estimated by the trustees
16 and may not exceed the number resulting from dividing the ANB estimated under subsection (5)(a) by 10;

17 (c) the taxable value for budgeting purposes of both the elementary and high school programs of
18 the K-12 district must be based on the taxable value as most recently determined by the department of
19 revenue;

20 (d) the general fund budget adopted by the trustees must be based on only the basic entitlement,
21 the quality educator payment, and the budget components derived from ANB counts; and

22 (e) the district's BASE aid for the upcoming year must be based on the general fund budget
23 adopted by the trustees for the upcoming school year.

24 (6) Until the first school year in which the K-12 school district enrolls high school students in all
25 grades and for a period of time not to exceed 6 years following the creation of the K-12 district:

26 (a) the high school district shall provide high school instruction to high school students of the K-12
27 district in any grades in which the K-12 district is not enrolling students;

28 (b) the K-12 district shall be responsible for providing transportation for its students enrolled in the

1 high school district pursuant to subsection (6)(a), may establish a transportation budget for this purpose, and
2 may receive state and county reimbursements under Title 20, chapter 10; and

3 (c) the K-12 district shall pay the high school district 20% of the per-ANB maximum rate
4 established in 20-9-306 for each of its students enrolled in the high school district with one-half of the amount
5 due by December 31 of the year following the year of attendance and the remainder due no later than June 15
6 of the year following the year of attendance. The K-12 trustees shall establish a tuition fund and levy to fund
7 these payments.

8 (7) (a) Bonded indebtedness of the high school district that is outstanding as of the date of creation
9 of the K-12 district must remain secured by and be the indebtedness of the original territory against which the
10 bonds of the high school district were issued and must be paid by tax levies against the original territory.

11 (b) Bonded indebtedness of the high school district that is issued by the high school district
12 following the creation of the K-12 district is secured by the territory of the high school district as of the date of
13 issuance of the high school district bonds and must be paid by tax levies against the territory of the high school
14 district. However, if bonds of the high school district were approved at a bond election conducted before the
15 creation of the K-12 district, all bonds of the high school district issued by the high school district under the
16 bond election authority must remain secured by and be the indebtedness of the territory of the high school
17 district as of the date the bond authority was approved by voters and must be paid by tax levies against that
18 territory.

19 (c) Bonded indebtedness of the K-12 district is secured by the territory of the K-12 district as of the
20 date of issuance of the K-12 district bonds and must be paid by tax levies against the territory of the K-12
21 district.

22 (d) Bonded indebtedness of the elementary district that is outstanding as of the date of creation of
23 the K-12 district must become upon the date of creation of the K-12 district the bonded indebtedness of the K-
24 12 district and must be secured by the territory of the K-12 district and paid by tax levies against the territory of
25 the K-12 district. The debt service on the bonds must be allocated to the elementary program of the K-12
26 district.

27 (e) Bonded indebtedness of the high school district or the K-12 district that is subsequently
28 affected by a later reorganization of the high school district or the K-12 district is governed by the provisions of

1 Title 20, chapter 6, part 4.

2 (8) When a K-8 district expands to a K-12 district as provided for in this section, a principal,
3 teacher, or other certified employee of the original high school district who has a right of tenure under Montana
4 law must be given preference in hiring for a vacant position in the new K-12 district for which the employee is
5 qualified with the required certification endorsements."
6

7 **Section 59.** Section 20-6-422, MCA, is amended to read:

8 **"20-6-422. District annexation.** (1) As used in this section, the following definitions apply:

9 (a) "Annexing district" means the district to which another district is being attached through an
10 annexation procedure.

11 (b) "District to be annexed" means the district that is being attached to another district through an
12 annexation procedure.

13 (2) A district may be annexed to a contiguous district when one of the conditions of 20-6-421 is
14 met in accordance with the following procedure:

15 (a) An annexation proposition may be introduced in the district to be annexed by either of the two
16 following methods:

17 (i) the trustees may pass a resolution requesting the county superintendent of the county where
18 the district is located to order an election to consider an annexation proposition for their district; or

19 (ii) not less than 20% of the electors of the district who are qualified to vote under the provisions of
20 20-20-301 may petition the county superintendent of the county where the district is located requesting an
21 ~~election~~ the question to consider an annexation proposition for their district be placed on the general election
22 ballot.

23 (b) The resolution or petition must state whether the annexation is to be made with or without the
24 joint assumption of bonded indebtedness of the annexing district by the district to be annexed and the annexing
25 district.

26 (3) Before ~~ordering an election on~~ placing the proposition on the general election ballot, the county
27 superintendent of the county where the district to be annexed is located must first receive from the trustees of
28 the annexing district a resolution giving the county superintendent the authority to annex the district. The

1 resolution must state whether the annexation is to be made with or without the joint assumption of bonded
 2 indebtedness of the annexing district by the district to be annexed and the annexing district. The resolution from
 3 the annexing district and the resolution or petition from the district to be annexed must agree on whether or not
 4 there will be joint assumption of bonded indebtedness. Without agreement, the annexation proposition may not
 5 be considered further.

6 (4) When the county superintendent of the county where the district to be annexed is located has
 7 received the resolution authorizing the annexation from the annexing district and the resolution or valid petition
 8 from the district to be annexed, the county superintendent shall, ~~within 10 days and as provided by 20-20-201,~~
 9 ~~order the trustees of the district to be annexed to call an annexation~~ work with the county election administrator
 10 to place the proposition on the ballot for the next general election.

11 (5) ~~The district to be annexed shall call and conduct an election in the manner prescribed in this~~
 12 ~~title for school elections and subject to subsections (6) and (7).~~ Any elector qualified to vote under the
 13 provisions of 20-20-301 may vote.

14 (6) (a) If the district to be annexed is to jointly assume the bonded indebtedness of the annexing
 15 district, the ballots must read, after stating the annexation proposition, "FOR annexation with assumption of
 16 bonded indebtedness" and "AGAINST annexation with assumption of bonded indebtedness".

17 (b) When the trustees in the district conducting the election canvass the vote under the provisions
 18 of 20-20-415, they shall determine the number of votes "FOR" and "AGAINST" the proposition.

19 (c) The proposition is approved in the district if a majority of those voting approve the proposition.

20 (7) If the district to be annexed is not to jointly assume the bonded indebtedness of the annexing
 21 district, the ballots must read, after stating the annexation proposition, "FOR annexation without assumption of
 22 bonded indebtedness" and "AGAINST annexation without assumption of bonded indebtedness". The
 23 annexation proposition is approved by a district if a majority of those voting in a district approve the proposition.

24 (8) After the county superintendent of the county where the district to be annexed is located has
 25 received the election certification ~~provided for in 20-20-416 from the trustees of the district conducting the~~
 26 ~~annexation election~~ from the county election administrator and if the annexation proposition has been approved
 27 by the election, the county superintendent shall order the annexation of the territory of the district voting on the
 28 proposition to the district that has authorized the annexation to its territory effective July 1. The order must be

1 issued within 10 days after the receipt of the election certificate. For annexation with joint assumption of bonded
2 indebtedness, the order must specify that there will be joint assumption of the bonded indebtedness of the
3 annexing district by the owners of all taxable real and personal property in the territory of the district to be
4 annexed. The county superintendent of the county where the district to be annexed is located shall send a copy
5 of the order to the board of county commissioners of each county involved in the annexation order and to the
6 trustees of the districts involved in the annexation order.

7 (9) If the annexation proposition is disapproved in the district to be annexed, the annexation
8 proposition fails and the county superintendent of the county where the district to be annexed is located shall
9 notify each district of the disapproval of the annexation proposition."
10

10

11 **Section 60.** Section 20-6-423, MCA, is amended to read:

12 **"20-6-423. District consolidation.** (1) Any two or more contiguous elementary school districts may
13 consolidate to organize an elementary district. Any two or more contiguous high school districts may be
14 consolidated to organize a high school district. Any two or more contiguous K-12 school districts may be
15 consolidated to organize a K-12 school district. The consolidation must be conducted as provided in this
16 section.

17 (2) (a) A consolidation proposition may be introduced, individually, in each of the districts by either
18 of the two following methods:

19 (i) the trustees may pass a resolution requesting the county superintendent of the county where
20 the district is located to order ~~an election~~ the issue to consider a consolidation proposition involving their district
21 be placed on the ballot of the next general election; or

22 (ii) not less than 20% of the electors of an individual district who are qualified to vote under the
23 provisions of 20-20-301 may petition the county superintendent of the county where the district is located
24 requesting ~~an election~~ the issue to consider a consolidation proposition involving their district be placed on the
25 ballot of the next general election.

26 (b) The resolution or petition must state whether the consolidation is to be made with or without the
27 joint assumption of the bonded indebtedness of each district by all districts included in the consolidation. The
28 resolution or petition from each district must agree on whether or not there will be joint assumption of bonded

1 indebtedness. Without agreement, the consolidation proposition may not be considered further.

2 (3) When a county superintendent has received a resolution or a valid petition from each of the
3 districts included in the consolidation proposition, the county superintendent shall, ~~within 10 days after the~~
4 ~~receipt of the last resolution or petition and as provided by 20-20-201, order the trustees of each district~~
5 ~~included in the consolidation proposition to call a consolidation election to be held no later than December 31~~
6 ~~preceding the school year in which the consolidation is to become effective~~ notify the county election
7 administrator. If the districts involved in the consolidation proposition are located in more than one county, the
8 county ~~superintendents~~ election administrators in both counties shall jointly order the district to call a
9 consolidation election in conjunction with the next general election.

10 (4) ~~Each district, individually, shall call and conduct an election in the manner prescribed in this~~
11 ~~title for school elections and subject to additional requirements of subsections (5) and (6).~~ Any elector qualified
12 to vote under the provisions of 20-20-301 may vote.

13 (5) (a) If the districts to be consolidated are to jointly assume the bonded indebtedness of each
14 district involved in the consolidation, the ballots must read, after stating the consolidation proposition, "FOR
15 consolidation with assumption of bonded indebtedness" and "AGAINST consolidation with assumption of
16 bonded indebtedness".

17 ~~(b) When the trustees in each district conducting an election canvass the vote under the provisions of~~
18 ~~20-20-415, they shall determine the number of votes "FOR" and "AGAINST" the proposition.~~

19 ~~(c)~~(b) The proposition is approved in the district if a majority of those voting approve the proposition.

20 (6) If the districts to be consolidated are not to jointly assume the bonded indebtedness of each
21 district involved in the consolidation, the ballots must read, after stating the consolidation proposition, "FOR
22 consolidation without assumption of bonded indebtedness" and "AGAINST consolidation without assumption of
23 bonded indebtedness". The consolidation proposition is approved by a district if a majority of those voting in a
24 district approve the proposition. Otherwise it is disapproved.

25 (7) (a) After the county superintendent of each county where a district involved in the consolidation
26 proposition is located has received the election certification ~~provided for in 20-20-416 from the trustees of each~~
27 ~~district included in a consolidation proposition~~ from the county election administrator, the appropriate county
28 superintendent shall determine if the consolidation proposition has been approved in each district. If each

1 district has approved the consolidation proposition, each county superintendent shall, within 10 days after the
2 receipt of the last election certificate, order the consolidation of the districts effective July 1 of the ensuing
3 school fiscal year. The order must:

4 (i) for consolidation with the joint assumption of bonded indebtedness, specify that there will be
5 joint assumption of bonded indebtedness between the owners of all taxable real and personal property in each
6 district forming the consolidated district;

7 (ii) specify the number of the consolidated district; and

8 (iii) establish an interim board of trustees for the consolidated district as provided in 20-6-424. The
9 trustees shall serve until their successors are elected at the next succeeding regular school election and
10 qualified.

11 (b) Each county superintendent shall send a copy of the order to the board of county
12 commissioners of each county where a district involved in the consolidation proposition is located and to the
13 trustees of each district incorporated in the consolidation order.

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

18 **Section 61.** Section 20-6-704, MCA, is amended to read:

19 **"20-6-704. Dissolution of K-12 school district.** (1) Except as provided in subsection (2), in order to
20 dissolve a K-12 district under the provisions of this section, the trustees of a district shall submit for approval to
21 the electors of the K-12 district a proposition dissolving the K-12 district for the purpose of annexing or
22 consolidating the K-12 district's elementary or high school program with a contiguous school district or districts
23 ~~in an ensuing school fiscal year under the provisions of 20-6-422 or 20-6-423~~ a general election as described in
24 13-1-104.

25 (2) If the trustees of the school district determine that the creation or continuation of the K-12
26 district has resulted in or will result in the loss of federal funding for the elementary or high school programs and
27 that it is in the best interest of the district to dissolve into the original elementary district and high school district
28 that existed prior to the formation of the K-12 district, the trustees may dissolve the district under the following

1 procedure:

2 (a) The trustees of the district shall pass a resolution requesting the county superintendent to order
3 a dissolution of the district.

4 (b) When the county superintendent receives the resolution from the district, the county
5 superintendent shall, within 10 days, order the dissolution of the K-12 district into the original elementary district
6 and high school district, to take effect on July 1 of the ensuing school fiscal year. Within 30 days of the order,
7 the county superintendent shall send a copy of the order to the board of county commissioners, the trustees of
8 the district, and the superintendent of public instruction.

9 (3) If the entire territory of the dissolving K-12 district will be annexed to or consolidated with a
10 contiguous district or districts, the resolution or petition required in subsection (1) or (2) must contain a
11 description of the manner in which the real and personal property and funds of the district are to be apportioned
12 in the dissolution of the district and the subsequent annexation to or consolidation with one or more other
13 districts. If a portion of the dissolving K-12 district will not be annexed or consolidated with another district or
14 districts, the resolution or petition must contain a description of the manner in which the property, funds, and
15 financial obligations, including bonded indebtedness, of the K-12 district are to be apportioned to the district or
16 districts whose territory is not annexed to or consolidated with another district.

17 (4) After the county superintendent receives the certificate of election ~~provided for in 20-20-416~~
18 from the trustees of the K-12 district and from each district included in a consolidation proposition, the county
19 superintendent shall determine whether the dissolution and annexation or consolidation proposition or
20 propositions have been approved. If the K-12 district has approved the dissolution proposition and each district
21 involved in a consolidation has approved the consolidation proposition, the county superintendent shall, within
22 10 days after the receipt of the election certificate, order the dissolution of the K-12 district into the original
23 elementary district and high school district, to take effect on July 1 of the ensuing school fiscal year. Within 30
24 days of the order, the county superintendent shall send a copy of the dissolution order to the board of county
25 commissioners, the trustees of the district included in the dissolution order, and the superintendent of public
26 instruction.

27 (5) Whenever a K-12 district is dissolved, the following provisions apply:

28 (a) The trustees of the district whose territory is not annexed or consolidated upon dissolution of

1 the K-12 district are responsible for the execution of remaining financial obligations of the K-12 district and for
2 the apportionment between the elementary and high school programs of any obligations not identified in the
3 resolution required under subsection (3).

4 (b) The provisions of 20-6-410 apply for tenure teachers in the dissolution of a K-12 district.

5 (c) For purposes of applying the budget limitation provisions of 20-9-308, the budget of a K-12
6 district during its last year of operations as a K-12 district will be prorated based on rules promulgated by the
7 superintendent of public instruction."

8

9 **Section 62.** Section 20-9-422, MCA, is amended to read:

10 **"20-9-422. Additional requirements for trustees' resolution calling bond election.** (1) In addition
11 to the requirements for calling an election that are prescribed in 20-20-201 ~~and 20-20-203~~, the trustees'
12 resolution calling a school district bond election must:

13 (a) specify whether the bonds will be general obligation bonds, oil and natural gas revenue bonds,
14 or impact aid revenue bonds and, if oil and natural gas revenue bonds, whether a tax deficiency is pledged to
15 the repayment of the bonds;

16 (b) fix the exact amount of the bonds proposed to be issued, which may be more or less than the
17 amounts estimated in a petition;

18 (c) fix the maximum number of years in which the proposed bonds would be paid;

19 (d) in the case of initiation by a petition, state the essential facts about the petition and its
20 presentation; and

21 (e) state the amount of the state advance for school facilities estimated, pursuant to subsection (2),
22 to be received by the district in the first school fiscal year in which a debt service payment would be due on the
23 proposed bonds.

24 (2) Prior to the adoption of the resolution calling for a school bond election for a general obligation
25 bond, the trustees of a district may request from the superintendent of public instruction a statement of the
26 estimated amount of state advance for school facilities that the district will receive for debt service payments on
27 the proposed general obligation bonds in the first school fiscal year in which a debt service payment is due. The
28 district shall provide the superintendent with an estimate of the debt service payment due in the first school

1 fiscal year. The superintendent shall estimate the state advance for the general obligation bond issue pursuant
2 to 20-9-371(2)."

3

4 **Section 63.** Section 20-15-203, MCA, is amended to read:

5 **"20-15-203. Community college district organization election -- notice -- proposition statement.**

6 (1) On a determination that a petition complies with the provisions of 20-15-202, the board of county
7 commissioners of each county in which the proposed community college district lies shall give notice of
8 elections to be held within the boundaries of the proposed district for the purposes of:

9 (a) determining whether a community college district should be organized; and

10 (b) electing trustees as provided under the provisions of this part.

11 (2) The elections must be conducted during a general election as described in 13-1-104 and in
12 accordance with Title 13, chapter 1, part 5.

13 (3) At the election the proposition for organization must be in substantially the following form:

14 PROPOSITION

15 Shall there be organized within the area comprising the School Districts of..... (elementary or K-12
16 districts must be listed by county), State of Montana, a community college district for the offering of transfer,
17 career and technical, and adult postsecondary education, to be known as the Community College District of.....,
18 Montana, under the provisions of the laws authorizing community college districts in Montana, as requested in
19 the petition filed with the county election administrator on the..... day of....., 20...? The creation of a community
20 college district may, with subsequent voter approval, result in the levying of property taxes to support:

21 (1) a portion of the operating costs of the community college district; and

22 (2) the repayment of bonds issued as authorized by law.

23 FOR organization.

24 AGAINST organization."

25

26 **Section 64.** Section 20-15-208, MCA, is amended to read:

27 **"20-15-208. Conduct of community college district elections.** (1) An election for the organization
28 of the community college district and the concurrent election of trustees for the proposed community college

1 district must be conducted by the county election administrator.

2 (2) For any community college district election held subsequent to the initial elections under
3 subsection (1), the community college district's board of trustees is the governing body for the election and the
4 county election administrator shall conduct the election.

5 (3) If a proposed or existing community college district is within the boundaries of more than one
6 county, the county election administrator of the county with the highest number of qualified electors in the
7 proposed or existing community college district shall conduct the election.

8 (4) A community college district election must be conducted during a general election as described
9 in 13-1-104 and in accordance with Title 13, chapter 1, part 5."

10

11 **Section 65.** Section 20-15-221, MCA, is amended to read:

12 **"20-15-221. Election of trustees after organization of community college district.** (1) After
13 organization, the registered electors of the community college district qualified to vote under the provisions of
14 20-20-301 shall ~~annually~~ vote for trustees on the ~~regular school election~~ general election day provided for in ~~20-~~
15 ~~20-105(4)~~ 13-1-104. The election must be conducted in accordance with the election provisions of this title
16 whenever the provisions are made applicable to community college districts. Pursuant to 20-15-208, the
17 elections must be conducted by the county election administrator on the order of the board of trustees of the
18 community college district. The order must be transmitted to the appropriate trustees at least 85 days prior to
19 the regular school election day.

20 (2) Notice of the community college district trustee election must be given as provided in 13-1-108.

21 (3) If trustees are elected other than at large throughout the entire district, then only those qualified
22 electors within the area from which the trustee or trustees are to be elected may cast their ballots for the trustee
23 or trustees from that area.

24 (4) Candidates for the office of trustee shall file their declarations of candidacy with the county
25 election administrator within the time period specified in 20-3-305(2).

26 (5) All costs incident to election of the community college trustees must be borne by the
27 community college district, including one-half of the compensation of the judges for the school elections."
28

1 **Section 66.** Section 20-20-102, MCA, is amended to read:

2 "**20-20-102. Precedence of school election provisions.** Except as otherwise provided in this title,
3 school elections shall be conducted and canvassed and the results shall be returned in the same manner as
4 provided for general elections in Title 13. ~~Should there be a conflict between the requirements of Title 13 and~~
5 ~~the provisions of this title regulating school elections, the provisions of this title shall govern.~~ The superintendent
6 ~~of public instruction~~ secretary of state may make any necessary rules to clarify Title 13 provisions for use in
7 school elections."

8

9 **Section 67.** Section 20-20-104, MCA, is amended to read:

10 "**20-20-104. Forms.** The forms necessary for school district elections shall be the same as those
11 prescribed by law or the secretary of state. ~~The superintendent of public instruction may issue prescribed forms~~
12 ~~for school elections with any necessary revisions of prescribed or statutory forms."~~

13

14 **Section 68.** Section 20-20-105, MCA, is amended to read:

15 "**20-20-105. Regular school election day and special school elections -- limitation -- exception.**

16 (1) ~~Except as provided in subsection (5), the first Tuesday after the first Monday in May of each year is the~~
17 ~~regular school election day.~~ School elections must be held on the primary or general day in an even-numbered
18 year.

19 (2) ~~Except as provided in subsections (4) and (5), a~~ A proposition requesting additional funding
20 under 20-9-353 may be submitted to the electors only once each calendar year on the regular school election
21 day.

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

24 (4) ~~In the event of an unforeseen emergency occurring on the date scheduled for the funding election~~
25 ~~pursuant to subsection (2), the district will be allowed to reschedule the election for a different day of the~~
26 ~~calendar year. As used in this section, "unforeseen emergency" has the meaning provided in 20-3-322(5).~~

27 (5) ~~In years when the legislature meets in regular session or in a special session that affects school~~
28 ~~funding, the trustees may order an election on a date other than the regular school election day in order for the~~

1 ~~electors to consider a proposition requesting additional funding under 20-9-353."~~

2

3 **Section 69.** Section 20-20-107, MCA, is amended to read:

4 **"20-20-107. Election expenses.** (1) All expenses necessarily incurred in the matter of holding school
5 elections must be paid out of the school funds of the district, except when the expenses are by law to be shared
6 by a community college district for which the district is conducting an election.

7 ~~(2) The trustees shall pay the election judges of a school election at least the state or federal~~
8 ~~minimum wage, whichever is greater, for each hour of service in connection with the election, including the~~
9 ~~number of hours required to attend training pursuant to 20-20-109.~~

10 ~~(3) Election judges are exempt from unemployment insurance coverage for services performed~~
11 ~~pursuant to this chapter if the remuneration received by the election judge is less than \$1,000 per calendar~~
12 ~~year."~~

13

14 **Section 70.** Section 20-20-201, MCA, is amended to read:

15 **"20-20-201. Calling of school election.** (1) At least 70 days before any school election, the trustees
16 of a district or other entity or official authorized by law to call a school election shall call the school election by
17 resolution, stating the date and purpose of each election and whether, pursuant to 13-19-202, any election is
18 requested to be by mail. The date of the school election must align with either the primary or general election in
19 an even-numbered year.

20 (2) To enable the county election administrator to manage voter registration and prepare the lists
21 of registered electors:

22 (a) the resolution calling for a school election must be transmitted to the county election
23 administrator no later than 3 days after the resolution is passed; and

24 (b) if the election is to be conducted by mail, the school clerk must also transmit to the county
25 election administrator a copy of the written plan required under 13-19-205 as soon as the plan has been
26 approved by the secretary of state."

27

28 **Section 71.** Section 20-20-417, MCA, is amended to read:

1 ~~"20-20-417. Request for county County election administrator to conduct election. (1) By June 1~~
 2 ~~of each year, the trustees of a district may request the county election administrator to conduct certain school~~
 3 ~~elections during the ensuing school fiscal year. The request must be made by a resolution of the board of~~
 4 ~~trustees~~ The county administrator shall conduct all school elections.

5 ~~(2) Whenever the county election administrator agrees to conduct a school election, the administrator~~
 6 ~~shall:~~

7 ~~(a) perform the duties imposed on the trustees and the clerk of the district for school elections in 20-~~
 8 ~~20-203, 20-20-313, and 20-20-401; and~~

9 ~~(b) deliver to the trustees, for the purpose of canvassing the vote, the certified tally sheets and other~~
 10 ~~items as provided in 13-15-301.~~

11 ~~(3)(2) Whenever the trustees request and the county election administrator agrees to conduct a~~
 12 ~~school election, the The school district shall pay the costs of the election as provided in 13-1-302."~~

13

14 **Section 72.** Section 76-5-1106, MCA, is amended to read:

15 **"76-5-1106. Requirements to change project boundaries -- election.** The boundaries of a project
 16 once established may not be extended without approval by a majority of the electors residing in the area
 17 proposed to be annexed. The election must be held in conjunction with a general election as described in 13-1-
 18 104 and must be held in accordance with the provisions of Title 13, chapter 1, part 5."

19

20 **Section 73.** Section 76-15-207, MCA, is amended to read:

21 **"76-15-207. Referendum on question of creating district.** (1) To assist the department in the
 22 determination of administrative practicability and feasibility, the department shall, within a reasonable time after
 23 entry of the finding that there is need for the organization of the proposed district and the determination of the
 24 boundaries of the district, hold a referendum within the proposed district upon the proposition of the creation of
 25 the district and cause due notice of the referendum to be given.

26 (2) The question must be submitted by ballots upon which the words "For creation of a
 27 conservation district of the lands below described and lying in the county(ies) of,, and" and "Against
 28 creation of a conservation district of the lands below described and lying in the county(ies) of and" must

1 appear, with a square before each proposition and a direction to insert an "X" mark in the square before one or
2 the other of the propositions as the voter may favor or oppose creation of the district. The ballot must set forth
3 the boundaries of the proposed district as determined by the department.

4 (3) All qualified electors within the boundaries of the territory, as determined by the department,
5 are eligible to vote in the referendum.

6 (4) The referendum must be on the ballot during a general election as described in 13-1-104.
7

8 **Section 74.** Section 76-15-303, MCA, is amended to read:

9 **"76-15-303. Election of supervisors -- election by acclamation -- appointment.** (1) An election for
10 supervisors must be held during a general election and be conducted in accordance with Title 13, chapter 1,
11 part 5.

12 (2) All qualified electors within the district are eligible to vote in the election.

13 (3) The candidate or, if more than one supervisor position is to be filled by the election, the
14 candidates who receive the largest number, respectively, of the votes cast in the election are the elected
15 supervisors for the district.

16 (4) The names of the candidates must be arranged on ballots as prescribed in 13-12-205."
17

18 **Section 75.** Section 76-15-304, MCA, is amended to read:

19 **"76-15-304. Election of supervisors.** (1) Two supervisors shall be elected at the second general
20 election following the organization or reorganization of the district and shall replace the two supervisors
21 appointed by the department. Thereafter, a district shall alternately elect three and two supervisors at
22 succeeding general elections.

23 (2) An election for supervisors must be held during a general election and must be conducted in
24 accordance with Title 13, chapter 1, part 5."
25

26 **Section 76.** Section 76-15-506, MCA, is amended to read:

27 **"76-15-506. Bonds authorized -- election.** (1) Whenever a board of supervisors deems it necessary,
28 it may issue bonds payable from revenues, assessments, or both, or the district may use other financing as

1 provided by this part and part 6 for the cost of works.

2 (2) The board of supervisors may call an election to be held in accordance with Title 13, chapter 1,
3 part 5. The election must be held during a general election as described in 13-1-104.

4 (3) If from the returns of the election it appears that the majority of votes cast at the election was in
5 favor of and assented to the incurring of the indebtedness, then the board of supervisors may by resolution
6 provide for the issuance of the bonds.

7 (4) The issuance of bonds must be carried out in accordance with 7-7-4426 and 7-7-4432 through
8 7-7-4435. The validity of the bonds, use of the bond revenue, and the refunding of the bonds must be done in
9 accordance with the provisions of 7-7-4425, 7-7-4430, 7-7-4501(2) and (3), and 7-7-4502 through 7-7-4505.

10 (5) Any bonds issued under this part and part 6 have the same force, value, and use as bonds
11 issued by a municipality and are exempt from taxation as property within the state of Montana."
12

13 **Section 77.** Section 76-15-531, MCA, is amended to read:

14 **"76-15-531. Special administrative assessment permitted -- voter approval.** (1) (a) In addition to
15 the levy authorized in 76-15-515 and 76-15-516(3), the supervisors of a conservation district may levy ~~an~~
16 ~~annual~~ a biennial special administrative assessment for administrative costs and expenses of the district if the
17 qualified electors of the district approve the imposition of the additional assessment at ~~an~~ a general election
18 held as provided in 13-1-104 and 15-10-425.

19 (b) Nonmill-levy revenue that is distributed based on the relative proportion of mill levies may not
20 be distributed to the special administrative assessment.

21 (2) The special administrative assessment question may be presented to the qualified electors of
22 the district by resolution of the supervisors.

23 (3) If the conservation district is located in more than one county, the special administrative
24 assessment question must be presented to and approved by the qualified electors who reside in the district
25 from each county.

26 (4) The resolution referring the special administrative assessment question must state:

27 (a) the rate of the assessment;

28 (b) the amount of money anticipated to be raised by the assessment; and

1 (c) the purposes for which the special administrative assessment revenue may be used."

2

3 **Section 78.** Section 76-15-605, MCA, is amended to read:

4 **"76-15-605. Board decision.** (1) The report of 76-15-603 must be presented and read at the hearing
5 on the petition.

6 (2) At the public hearing on the petition, the board of supervisors shall proceed to hear and pass
7 upon all protests made and its decision must be final and conclusive except when owners of more than 50% of
8 the land in the proposed project area protest the project. If owners of more than 50% of the land protest the
9 project, no further action may be taken for a period of 6 months from the date of the hearing, after which a new
10 petition may be filed.

11 (3) If the board or boards of supervisors find that it is not feasible, desirable, or practical to
12 establish the proposed project area, they shall make an order denying the petition and shall state therein their
13 reasons for so doing.

14 (4) If, however, the board finds that the project is desirable, proper, and necessary, it shall grant
15 the petition, establish the boundaries of the proposed project area, and notify the county election administrator
16 that an election is to be held in the proposed area for the purpose of determining whether or not the project
17 area must be created. The election must be held during a general election and must be conducted in
18 accordance with Title 13, chapter 1, part 5."

19

20 **Section 79.** Section 76-15-702, MCA, is amended to read:

21 **"76-15-702. Referendum on proposed land use regulations.** (1) The proposed regulations shall be
22 embodied in a proposed ordinance. Copies of such proposed ordinance shall be available for the inspection of
23 all eligible voters during the period between publication of such notice and the date of the referendum. The
24 referendum must be held during a general election as described in 13-1-104.

25 (2) The notices of the referendum shall recite the contents of such proposed ordinance or shall
26 state where copies of such proposed ordinance may be examined. The question shall be submitted by ballots
27 upon which the words "For approval of proposed ordinance No., prescribing land use regulations for
28 conservation of soil and prevention of erosion" and "Against approval of proposed ordinance No.,

1 prescribing land use regulations for conservation of soil and prevention of erosion" shall appear, with a square
2 before each proposition and a direction to insert an "X" mark in the square before one or the other of said
3 propositions as the voter may favor or oppose approval of such proposed ordinance.

4 (3) The supervisors shall publish the result of the referendum. All registered electors within the
5 district shall be eligible to vote in such referendum. No informalities in the conduct of such referendum or in any
6 matters relating thereto shall invalidate said referendum or the result thereof if notice thereof shall have been
7 given substantially as herein provided and said referendum shall have been fairly conducted."

8

9 **Section 80.** Section 76-15-805, MCA, is amended to read:

10 **"76-15-805. Referendum on question of discontinuance.** (1) Within 60 days after the petition has
11 been received by the department, it shall give due notice of the holding of a referendum and shall supervise the
12 referendum and issue appropriate regulations governing the conduct thereof. The referendum must be placed
13 on the ballot during a general election as described in 13-1-104. The question is to be submitted by ballots
14 upon which the words "For terminating the existence of the (name of the conservation district or part of the
15 district to be here inserted)" and "Against terminating the existence of the (name of the conservation district
16 or part of the district to be here inserted)" shall appear with the square before each proposition and a direction
17 to insert an "X" mark in the square before one or the other of the propositions as the voter may favor or oppose
18 discontinuance of the district or a part of the district.

19 (2) All qualified electors within the boundaries of the district are eligible to vote in the referendum.
20 No informalities in the conduct of the referendum or in any matters relative thereto shall invalidate the
21 referendum or the result thereof if notice thereof is given substantially as herein provided and the referendum is
22 fairly conducted."

23

24 **Section 81.** Section 85-6-105, MCA, is amended to read:

25 **"85-6-105. Division of irrigation project into districts.** Such water users' association shall be
26 permitted to divide the area under such irrigation project into as many districts as there are directors provided
27 for in its articles of incorporation. Each district shall elect one director for a term not to exceed ~~5 years~~ 6 years.
28 At the first election held to elect directors under the provisions of this chapter, each district shall elect one

1 director, who shall hold office for such a term of years as the bylaws shall provide, and thereafter a director
 2 shall be elected in the district and at the ~~annual election~~ general election held just prior to the expiration of the
 3 term of office of the director of that district."
 4

5 **Section 82.** Section 85-6-106, MCA, is amended to read:

6 **"85-6-106. Vacancies in board of directors.** In case of a vacancy in the board of directors from any
 7 cause, the board shall fill such vacancy by appointment to hold to the end of that ~~fiscal year~~ biennium, and a
 8 director shall be elected at the ~~annual~~ general election in the district where such vacancy occurs to fill the
 9 unexpired term of such vacancy."
 10

11 **Section 83.** Section 85-7-1602, MCA, is amended to read:

12 **"85-7-1602. Election on joint operations.** ~~At any time after March 7, 1959, in the event that it is~~
 13 ~~deemed~~ If it is considered advisable or desirable for any irrigation districts to operate under the direction of a
 14 board of control as ~~herein~~ provided in this part, the boards of commissioners of the districts, after a petition
 15 requesting the ~~same~~ be board of control is received and filed with them, ~~must~~ shall call an election to put the
 16 question before the landowners of the districts ~~which~~ that are petitioned to be joined. In the event a majority of
 17 the landowners of each district, as provided by 85-7-1710, vote for organizing ~~such~~ a board of control, then the
 18 commissioners of each district ~~will be~~ are authorized and directed to enter into ~~such~~ a contract to operate the
 19 districts in accordance with the terms of this part as provided by 85-7-1601. The election ~~herein provided shall~~
 20 must be held in conjunction with a general election and must be conducted in the same manner and the same
 21 persons ~~shall be entitled to vote thereat~~ may vote at the election as provided for elections of commissioners of
 22 irrigation districts, in accordance with 85-7-1702, 85-7-1710, and 85-7-1712."
 23

24 **Section 84.** Section 85-7-1702, MCA, is amended to read:

25 **"85-7-1702. Election of commissioners -- term of office.** (1) The election for commissioners in
 26 each district must be held ~~annually~~ biennially in accordance with Title 13, chapter 1, part 5. The election ~~may be~~
 27 ~~at the district's annual meeting or on the date established in 13-1-504(1)~~ must be held during a general election
 28 as described in 13-1-104.

1 (2) A person eligible to vote in the district may file a declaration of candidacy for the office of
2 commissioner with the election administrator or deputy election administrator within the time period specified in
3 13-1-502.

4 (3) Within 40 days following their election, the commissioners shall meet and organize as a board
5 by electing a president from their number and a secretary, who may or may not be a commissioner, who shall
6 each hold office at the pleasure of the board.

7 (4) Except as provided in 85-7-204, the term of office of each commissioner begins on the date of
8 the commissioner's election and continues for 3 years.

9 (5) Commissioners are elected by the electors of the entire district."
10

11 **Section 85.** Section 85-7-1703, MCA, is amended to read:

12 **"85-7-1703. Vacancies among commissioners.** If there is a vacancy on the board of commissioners
13 from any cause, the vacancy must be filled until the next ~~regular or special~~ general election by appointment by
14 the board. The remaining commissioners constitute a quorum for the purpose of filling any vacancy. If a
15 vacancy exists for every position on the board, the judge of the district court of the county in which the division
16 or major portion of the division is situated shall make the appointments. The appointee must be an owner of
17 irrigable land within the division of the district that the appointee represents and must be a resident of the
18 county in which the division of the district or some portion of the division is situated. A commissioner appointed
19 under this section holds office until a successor is elected and qualified."
20

21 **Section 86.** Section 85-7-1712, MCA, is amended to read:

22 **"85-7-1712. Call for election.** The board of commissioners may ~~at any time~~ call an election in
23 conjunction with a general election and submit to the qualified electors of the district any question which under
24 the provisions of this chapter is required or which, in the judgment of the board, is proper to be submitted to
25 popular vote. The election must be called by resolution and conducted in accordance with Title 13, chapter 1,
26 part 5."
27

28 **Section 87.** Section 85-7-1974, MCA, is amended to read:

1 **"85-7-1974. Majority vote or petition necessary to contract with the state.** (1) No contract may be
2 made between an irrigation district and the state of Montana under 85-7-1971 through 85-7-1975 except on:

3 (a) approval by a majority vote of those voting on the question at ~~an~~ a general election conducted
4 in accordance with Title 13, chapter 1, part 5, and 85-7-1710; or

5 (b) receipt of a petition signed by at least 60% in number and acreage of the holders of title or
6 evidence of title to lands within the district. The petition must be addressed to the board of commissioners and
7 must set forth the aggregate amount of money to be borrowed from various sources, including the coal
8 severance tax bonding program provided for in Title 17, chapter 5, part 7, and the purpose for which the money
9 will be used. The petition must include an affidavit certifying the signatures to the petition and must be filed with
10 the secretary of the board of commissioners.

11 (2) In an election held for approval of a district contract under this section, the voting majority must
12 own at least 50% of the acreage included in the district."
13

14 **Section 88.** Section 85-7-2013, MCA, is amended to read:

15 **"85-7-2013. Majority vote, petition, and protest requirements.** (1) Bonds provided for in 85-7-2012
16 through 85-7-2015 may not be authorized or issued by or on behalf of any irrigation district organized under this
17 chapter or by an irrigation district on behalf of a subdistrict located in the district and a contract may not be
18 made with the United States as provided in 85-7-1906 except on:

19 (a) approval by a majority vote of those voting on the question at ~~an~~ a general election conducted
20 in accordance with Title 13, chapter 1, part 5, with votes cast and counted as prescribed in 85-7-1710;

21 (b) receipt of a petition signed by a majority in acreage of the holders of title or evidence of title to
22 lands included within the district or, if the bonds are issued on behalf of or if the contract relates to a subdistrict,
23 a majority in acreage of the holders of title or evidence of title to lands within the subdistrict;

24 (c) receipt of a petition signed by at least 75%, in number and acreage, of the holders of title or
25 evidence of title to the lands who are residents of the county or counties in which lands of the district are
26 situated or, if the bonds are issued on behalf of or if the contract relates to a subdistrict, at least 75% in number
27 and acreage of the holders of title or evidence of title to the lands who are residents of the county or counties in
28 which lands of the subdistrict are situated; or

1 (d) adoption of a resolution by the board of commissioners approving special taxes or
 2 assessments to repay bonds pursuant to 85-7-2048 following a determination that a protest as provided in 85-
 3 7-2045 by owners of assessed irrigable acres as determined by 85-7-2043 comprises no more than 50% of the
 4 special tax or assessment proposed to pay the costs of the suggested improvements.

5 (2) The petition must be addressed to the board of commissioners, set forth the aggregate amount
 6 of bonds to be issued and the purpose or purposes of the bonds, have attached to it an affidavit verifying the
 7 signatures to the petition, and be filed with the secretary of the board. When bonds are issued for the sole
 8 purpose of redeeming or paying the existing and outstanding bonds or warrants, or both, including delinquent
 9 and accrued interest, of the district, the bonds may be authorized and issued in the manner provided for by 85-
 10 7-2019.

11 (3) In an election held for approval to allow a district or subdistrict to issue bonds or enter into a
 12 contract under this section, the voting majority must own at least 50% of the acreage included in the district or
 13 subdistrict."
 14

15 **Section 89.** Section 85-8-302, MCA, is amended to read:

16 **"85-8-302. Election of commissioners -- regular term of office.** (1) Except as provided in 13-1-
 17 502(4), the election of commissioners must be held ~~annually~~ in conjunction with a general election and
 18 conducted in accordance with Title 13, chapter 1, part 5. The term of office of commissioners shall commence
 19 on the day of their election.

20 (2) (a) At the first ~~primary or~~ general election following the organization of a district and in districts
 21 organized and in existence on March 1, 1921, and that, on petition, have been divided into divisions, three
 22 commissioners must be elected, with one commissioner being elected from each division.

23 (b) A commissioner must be an actual landowner in the division in which the commissioner is
 24 elected.

25 (c) One of the commissioners, to be determined by lot, shall hold office for ~~4-year~~ 2 years; another
 26 of the commissioners, to be determined by lot, shall hold office for ~~2-years~~ 4 years; and the third commissioner
 27 shall hold office for ~~3-years~~ 6 years.

28 (3) After the election of the initial commissioners, one commissioner must be elected ~~each year~~

1 during each general election. Commissioners elected after the initial election shall hold office for a term of 3
 2 ~~years~~ 4 years. The person elected as a commissioner ~~in each year~~ to succeed the commissioner whose term is
 3 then expiring must be elected as a commissioner from the same division as the commissioner whose term
 4 expires.

5 (4) Each commissioner must be a resident of a county where a portion of the district lands is
 6 situated."

7

8 **Section 90.** Section 85-8-624, MCA, is amended to read:

9 **"85-8-624. Assessments on improvements -- taxpayers' approval, limitations, and election**

10 **procedures.** (1) A vote of the persons on the assessment rolls in any existing district is required to make
 11 Chapter 409, Laws of 1973, applicable to a district.

12 (2) Chapter 409, Laws of 1973, does not confer on districts created for drainage purposes only the
 13 authority to levy assessments on benefits to improvements.

14 (3) The election provided for by subsection (1) must be governed by the following rules:

15 (a) Notice of the election must be as provided in 13-1-108.

16 (b) The election must be held in conjunction with a general election and must be conducted in
 17 accordance with Title 13, chapter 1, part 5, except that voter registration may not be required.

18 (c) The qualifications of electors must be as provided in 85-8-305, except that, in addition to
 19 persons holding title or evidence of title to lands within the district, any person, as provided in 85-8-305, who
 20 does not own land within the district but has been assessed or will have the person's improvements assessed
 21 under Chapter 409, Laws of 1973, or who will be assessed for benefits received is entitled to one vote.

22 Commissioners shall prepare a list of persons entitled to vote, and the election administrator shall give them
 23 notice as provided in 13-1-108.

24 (d) The commissioners of any district in existence prior to March 21, 1973, who wish to hold an
 25 election to determine if the district is governed by Chapter 409, Laws of 1973, shall at any regular or special
 26 meeting adopt a resolution calling for an election to determine whether or not the voters of the district wish to be
 27 governed by Chapter 409, Laws of 1973. The resolution must contain a short summary of the changes made by
 28 Chapter 409, Laws of 1973, and the summary must be included in the notice provided for by 13-1-108. In

1 addition, the commission shall provide copies of Chapter 409, Laws of 1973, to any person interested in
2 obtaining a copy, and the notice to the persons in the district calling the election must describe where and how
3 copies may be obtained. The commissioners may authorize a reasonable charge for providing copies, not to
4 exceed 20 cents a page.

5 (e) The ballot must include the summary as provided for in subsection (3)(d), and the form of the
6 ballot must conform as closely as possible to that provided for in Title 13, chapter 27.

7 (f) A simple majority of those who cast valid ballots determines the outcome of the election."
8

9 **Section 91.** Section 85-9-206, MCA, is amended to read:

10 **"85-9-206. Court hearing on petition -- election -- limits on court jurisdiction.** (1) On receipt of a
11 petition for organizing a district, the court shall give notice and hold a hearing on the petition. If the court finds
12 that the petition should be granted, it shall:

13 (a) make and file findings of fact specifying those lands that will be directly or indirectly benefited
14 by the proposed district and exclude those lands that will not be benefited;

15 (b) make an order ~~fixing the time and place of an~~ announcing the organizing election which must
16 be held in conjunction with a general election;

17 (c) order the election administrator to conduct the election in accordance with Title 13, chapter 1,
18 part 5; and

19 (d) order and decree the district organized if the requisite number of eligible electors votes in favor
20 of organization.

21 (2) In order for the district to be organized, 51% or more of the eligible electors must vote in the
22 election, and a majority of those voting must vote in favor of organization.

23 (3) This chapter does not confer on the court jurisdiction to hear, adjudicate, and settle questions
24 concerning the priority of appropriation of water between districts and other persons. Jurisdiction to hear and
25 determine priority of appropriation and questions of right growing out of or in any way connected with a priority
26 of appropriation is expressly excluded from this chapter and must be determined as otherwise provided by the
27 laws of Montana."
28

