

Summary of Election Law Revisions Bill LC0143 (formerly LCsa02)

as of June 25, 2014

prepared for the
State Administration and Veterans' Affairs Interim Committee
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*The following list is a summary of the election law revisions contained in LC0143
based on the decisions and instructions to staff
as of SAVA's June 5, 2014, meeting.*

Bill Provisions	Rationale
New Sections	
[Sections 1 through 5] concern only special purpose districts	Allows for redundant or conflicting language in individual statutes to be stricken and replaced by internal references to these new sections
[Sections 6 through 10] concern only local government (city and county) elections	Consolidates provisions for easier reference
Each set of new umbrella statutes will be codified in Title 13.	Standardization adds clarity, avoids confusion, for candidates, election administrators, and voters.
Changes Applicable to All Elections	
Candidate filing deadlines standardized. Filing deadline is between 145 days and 85 days before an election.	This standardizes all candidates to the same filing deadline that must be followed for federal elections. Since other elections are held on the same day as a federal election, this avoids having to have different filing deadlines depending on whether the election is federal, state, or local elections. This also allows other deadlines (i.e., the "ripple effect deadlines") to also be standardized rather than all different.

Bill Provisions	Rationale
Election notification provisions are consolidated, revised, and standardized. See amendments to 13-1-108.	Consistency for election administrators and voters. No good reason for notification requirements to be different depending on type of election. Many different elections are conducted on the same day and if we have different notification deadlines for each election, an election administrator will have multiple notifications to do, even through the elections are being held on the same day.
Definitions related to primary, general, special, and school elections, and to qualified or eligible voters are clarified and used consistently.	More clearly define terms so they cannot be inappropriately applied. Current definition language is convoluted and improperly puts substantive law in definition sections. Clarifies that a "special election" is an election that is on a special day. Also clarifies that a mail ballot election is simply a way of conducting an election and is not relative to what is on the ballot for the election. The terms "general election", "primary election" and "special election" will reflect a particular day of the year rather than what is on the ballot for the election, and that the "primary" refers to an election to nominate a candidate for the general election.
Changes Applicable to Special Purpose District Elections	
All special purpose district elections not related to funding must be held on regular school election day (2nd Tues after 2nd Mon. in May), rather than on the same day as a primary or general election, or as a special elections.	Helps reduce the complexity of running general and primary elections at the same time special purpose elections are held. May improve voter turnout for school elections. Allows the elections to be run by mail.
Funding elections for a special purpose district may be on the regular school election day or be a special election (i.e., on a special day that is not on a primary or general election day).	Allows flexibility when funding needs requires an election before the next regular school election, but still avoids having the election on primary or general election day. Still allows the election to be run by mail.
An election cannot be called for a date that is sooner than 85 days before the election.	Allows election administrators more time to prepare for the election and certify ballots. Coordinates with candidate filing deadline.
Provides that in multi-county districts, the county election administrator in the county with the most registered electors will conduct the election rather than the county with the most territory.	Makes provisions concerning all districts the same. Currently, some election administration is based on territory rather than the number of electors, others are based on the number of electors, depending on what type of district it is.

Bill Provisions	Rationale
Strikes any requirement that a candidate for a special purpose district office would have to gather a certain number of signatures in order to become a candidate.	Eliminates an obstacle to candidates for special district offices that is unnecessary and counter productive when it is hard enough to find candidates for these offices.
Clarifies that the county election administrator conducts special purpose elections.	Currently, some statutes concerning elections for some special purpose districts are unclear about who actually conducts the election and seem to suggest that the district itself runs the election.
Clarifies language concerning terms of office, oaths of office, election by acclamation when there are not enough candidates.	Currently, the language concerning election by acclamation is unclear in some statutes for some special purpose districts and is not consistent.
Changes applicable to school elections	
Establishes a definition of "regular school election", "school election", and "special school election" to allow these terms to be used in the statutes more clearly (20-3-202).	Makes current statutes more clear. Makes a "special election" an election that is on a special day rather than an election held in conjunction with another election.
Clarifies oath of office and term of office provisions for superintendent (20-3-202).	This fixes a statute that was previously overlooked and not included in a previous bill that clarified terms of office for local officials.
Changes notification of cancellation of a school election and election by acclamation from 25 days to 30 days before the election (20-3-313).	This coordinates with a compromise agreement with county election administrators who may run a school election so that the county election administrator has 5 more days for ballot certification and printing.
Changes notification of election to no later than 10 days before an election (rather than no later than 20 days) (13-1-108 and 20-20-204)	This coordinates with overall changes in election notification requirements that will now be standardized for all elections.
Requires a school funding election to be called at least 70 days before the election, instead of at least 40 days before the election (20-20-201)	This avoids having two deadlines for calling a school election. Currently, if the election is to be by mail ballot, the election must be called at least 70 days before the election. So, this changed conforms the school election law with the mail ballot election provision in 13-19-202.

Bill Provisions	Rationale
<p>Applies late voter registration to school elections administered by school clerks (20-20-311, 20-20-312, and 13-2-304)</p>	<p>Currently, if a school election is run by a county election administrator, late voter registration applies. However, late voter registration does not apply if the school clerk runs the election. This is confusing for voters.</p>
<p>Changes ballot certification deadline for trustee elections from 25 days to 30 days prior to the election (20-20-401) - amends 13-19-207, mail ballot elections, to match this change.</p>	<p>This reflects a compromise agreement with county election administrator representatives and OPI staff to allow county election administrators who run school elections to have 5 more days for ballot certification and printing.</p>
<p>Clarifies that school elections must be called by resolution and that if the county election administrator is running the election, the resolution must contain specifics about the election and that it will be transmitted to the county election administrator in a timely fashion so that an updated written mail ballot plan, if the election is to be by mail ballot, may be submitted to the Secretary of State, reviewed, and approved.</p>	<p>Addresses the miscue that took place with respect to the Simms High School mill levy election in which a misunderstanding of district boundaries resulted in the county election administrator initially mailing ballots only to electors in only one of the two elementary school districts within the high school district boundary.</p>
<p>Changes applicable to Community College District elections</p>	
<p>County election administrators would run all community college district elections.</p>	<p>Current law requires the Community College Districts (CCD) to run their own elections, but allows them to ask a county election administrator to run the elections. However, a county election administrator may decline. CCDs have no experience running elections, so this change would help protect the integrity of the election.</p>
<p>POLICY QUESTION: Who should pay for the cost of an election on whether or not to establish a community college district?</p>	<p>Current law specifies the elementary school districts within the boundaries of the CCD and who currently run the initial election would pay for the election. (See section 20-15-208, MCA)</p>

Bill Provisions	Rationale
Changes applicable to mail ballot election laws	
Clarifies that a written mail ballot plan must be submitted to the Sec. of State for each election. 13-19-205	Current law has been interpreted to allow election administrators to submit a general plan. (Simms HS election example)
Clarifies that if a mail ballot election is called after a written mail ballot plan has been submitted and approved, an amended plan must be submitted. 13-19-205	Current law has been interpreted to not require the approved plan to be amended. (Simms HS election example)