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OPI_1_TaskForce

*** Bill No. ***

Introduced By *****

A Bill for an Act entitled: "An Act providing for a school elections task force to recommend the best way to provide that school elections be administered by county election administrators and combined with the statewide general election in even-numbered years and how to conduct school elections in the odd-numbered years; specifying the duties and membership of the task force; providing an appropriation; and providing an effective date."

WHEREAS, there is significant legislative and voter interest in providing that school elections be administered by counties and combined with the statewide general election to achieve greater voter turnout and increase trust in the integrity of school elections; and

WHEREAS, a thorough examination and understanding of the technical statutory, administrative, and financial complexities involved is required to provide for these changes in a manner that is most feasible; and

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WHEREAS, such an effort is best undertaken by a task force with members who have expertise in these matters; and

WHEREAS, this task force is a key part of a package of bills that offer incremental steps toward requiring counties to administer school elections and combining school elections with the statewide general election.

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. School elections task force -- duties - membership -- staffing and expenses.** (1) There is a school elections task force with membership and duties as provided for in this section.

(2) The task force shall examine the state statutes and administrative procedures related to:

(a) the timelines and procedures for school trustee elections, school funding elections, federal general elections, the statewide general election, municipal general elections, and special purpose district elections;

(b) the varied county, school, and other district boundaries involved in federal, state, school, and local elections;

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(c) school district trustee terms of office, candidate recruitment, and trustee duties;

(d) school district budgeting and fiscal year calendar;

(e) the legal authority, roles, and responsibilities of state, county, and school district officials related to election administration and school funding;

(e) the cost of and funding for administering school elections; and

(f) the county personnel and training needed to for counties to administer school elections; and

(g) any other matters that may arise in the context of the task force's prescribed duties.

(3) Based on its examination and findings under subsection (2), the task force shall develop specific recommendations for how best to revise current state statutory language and election administration procedures to:

(a) provide that counties administer all school elections;

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(b) provide that school trustee elections and, to the extent possible, a regular school funding election is held with the statewide general election in even-numbered years;

(c) address when and how school elections are conducted in odd-numbered years and whether those elections would include trustee elections or funding elections or both; and

(d) address election administration personnel requirements, training needs, costs, and funding responsibilities.

(4) The task force shall invite and consider information from stakeholders, including voters and state, county, local government, and school officials and their representative organizations.

(5) (a) The task force shall present progress reports at least quarterly, including its final report, to the state administration and veterans' affairs interim committee, the education interim committee, the secretary of state's office, and the office of public instruction.

(b) The progress reports may be provided in writing, but must be presented in person or by remote video conferencing if requested.

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(c) The final report must be provided by July 1, 2024, and must include the specific recommendations described in subsection (3). The final report may include alternative legislative options that meet the policy goals of increasing voter turnout for and trust in the integrity of school elections.

(6) The task force shall consist of 12 members as follows:

(a) two legislative members as follows:

(i) a senator appointed by the senate committee on committees; and

(ii) a member of the house of representatives appointed by the speaker of the house.

(b) eight members appointed by the office of public instruction as follows:

(i) four county officials to represent county election administrators, county superintendents, and county finance officers; and

(ii) four school district officials to represent school district clerks who administer school elections, school board trustees, and school finance officers; and

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(c) a member appointed by the secretary of state from the elections staff of the office of secretary of state; and

(d) a member appointed by the office of public instruction from the office of public instruction who is knowledgeable about school elections.

. (7) In making the appointments under subsection (6)(b), the superintendent of public instruction shall consider how best to represent factors such as:

(i) counties and school districts with large and small populations and tax bases;

(ii) school districts with boundaries that cross county boundaries;

(iii) school districts with single-member trustee districts;

(iv) high school districts with additional trustees;

and

(v) counties with a large number of school districts.

(8) (a) Except as provided in subsection (8)(b), task force members must be compensated by the office of public instruction for expenses incurred while performing task force duties as provided in 2-18-501 through 2-18-503.

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(b) Legislative members must be paid from legislative branch funds and compensated for time and expenses as provided in 5-2-302.

(9) The office of public instruction shall provide staff support for the task force, including a facilitator who will act as a nonvoting presiding officer and conduct task force meetings in accordance with subsection (10).

(10) Task force meetings must be conducted as follows:

(a) public notice must be provided at least 10 days before each meeting;

(b) minutes must be kept and meetings must be recorded;

(c) members shall participate by remote phone or video conferencing to the extent possible;

(d) proxies may not be permitted;

(e) the task force must adopt rules of parliamentary procedure that to the extent practical include a consensus model of decision making providing that:

(i) actions are taken without objection;

(ii) an objection may only be recognized if the objecting member offers an alternative path forward in the matter; and

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(iii) a vote is taken only if the facilitator deems consensus without objection is not possible, in which case the matter must be decided by a majority vote, and if there is a tie vote, the senate member shall decide the matter.

NEW SECTION. **Section 2. Appropriation.** There is appropriated for the fiscal year ending July 1, 2024, \$35,000 from the general fund to the office of public instruction for the staffing and operation of the school election task force provided for in [section 1].

NEW SECTION. **Section 3. {standard} Effective date.**
[This act] is effective July 1, 2023.

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