


## SCHOOL ELECTION CALENDAR 2022

Days From Election	Deadlines	Event (Special Instances Identified in Green)	MCA Citation
No earlier than 145 days, or later than 40 days before	<b>Thursday, December 9 through Thursday, March 24</b>	<b>Trustee candidates file for election.</b> A Declaration of Intent and Oath of Candidacy must be filed with district clerk (regardless of who is running the election). <b>NO CANDIDATE MAY APPEAR ON THE BALLOT UNLESS THE CANDIDATE MEETS THIS DEADLINE.</b>  <i>Candidate should be registered to vote at the time the Oath is filed.</i>	<a href="#">13-10-201</a> <a href="#">20-3-305</a>
At least 70 days before	<b>Tuesday, February 22</b>	<b>Trustees call for an election.</b> The trustees must pass a resolution stating: 1) the date of the election; 2) the purpose of the election; 3) whether the election will be by mail or poll; 4) the voting locations and boundaries for each location, if there are multiple locations within a district (if changed from a previous school election the new locations must be specifically noted); and 5) the time the polls will open, if before noon. The trustees do NOT have to set levy amounts at this time; however, they must be set in time for the clerk to certify the ballot (not less than 30 days before the election). The resolution must be delivered to the county election administrator within 3 days of passage, but it need NOT be posted. The trustees must also appoint three election judges per precinct. <ul style="list-style-type: none"><li>• <b>Bond Elections</b> are subject to additional requirements (see <a href="#">20-9-422</a>, MCA).</li><li>• <b>Request for a mail ballot election</b> must be sent from trustees to the election administrator. Exception: Even if no request is received, the election administrator could decide to request a mail ballot election.</li></ul>	<a href="#">13-19-202</a> <a href="#">13-19-203</a> <a href="#">20-9-422</a> <a href="#">20-20-201</a> <a href="#">20-20-203</a>
At least 67 days before (within 3 days of passage of the election resolution)	<b>Friday, February 25</b>	<b>Last day to file resolutions for school election with county election administrator.</b> To assist with the provisions of late registration, include the name and best contact number for the district's election administrator with the resolution.	<a href="#">20-20-201(2)(a)</a>
At least 60 days before	<b>Friday, March 4</b>	<b>Election administrator sends mail ballot election plan/timetable/sample instructions</b> to the Secretary of State's Office so that it is received by this deadline (e.g., fax, mail, or e-mail to SOS office (not post marked)). One plan must be submitted for each election. As soon as the plan (and any amendments are approved), forward a copy of the mail ballot plan to the county election administrator. Link to instructions: <a href="#">Mail Ballot Plan Timetable and Instructions</a>	<a href="#">13-19-205</a>
4 weeks preceding the close of regular registration	<b>Monday, March 7</b>	<b>Notice of close of regular registration.</b> The county election administrator publishes the notice of close of regular registration for school districts at least 3 times in the 4 weeks preceding the close of regular registration. Contact the county election administrator to coordinate that publication.	<a href="#">13-2-301</a>
Not later than 5pm the day before ballot certification	<b>Thursday, March 31 (by 5 p.m.)</b>	<b>Last day trustee candidates may withdraw from the election.</b> Any candidate that has already filed for election, but wishes to withdraw their name, may do so by sending a statement of withdrawal to the election administrator.	<a href="#">20-3-305(3)(a)</a>
Not later than 5pm the day before ballot certification	<b>Thursday, March 31 (by 5 p.m.)</b>	<b>Deadline for write-in candidate for a trustee position on a school board to file Declaration of Intent</b> (must be filed with the district clerk, regardless of who is running the election).	<a href="#">20-3-305(2)(b)</a>
No later than the 30th day before	<b>Friday, April 1</b>	<b>Deadline to notify election judges of appointment.</b>	<a href="#">13-4-101</a>

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Not less than 30 days before	<b>Friday, April 1</b>	<b>Election administrator certifies ballot.</b> The election administrator prepares the final ballot form, listing all candidates and propositions to be voted upon. The ballot must then be delivered to the election administrator, if other than the clerk. <i>Trustees must pass a resolution stating exact levy amounts by this date for the clerk to certify the ballot.</i> This resolution must include the durational limit, if any, on the levy.	<a href="#">20-20-401</a> <a href="#">15-10-425</a>
Not less than 30 days before	<b>Friday, April 1</b>	<b>Election by Acclamation and Cancellation of Election - Notice.</b> If the number of candidates filing a nomination petition or filing a declaration of intent to be a write-in candidate is equal to or less than the number of open trustee positions to be elected, the trustees may cancel the election. They must then give notice that a trustee election will not be held. The trustee election may not be declared by acclamation until all candidate filing deadlines have passed. <b>Send a copy to the county election administrator to aid with the provisions of late registration.</b>  <i>**A trustee election held in single-member or trustee nominating district is considered a separate trustee election for declaring the election by acclamation.</i>	<a href="#">20-3-313</a>
30 days before any election	<b>Monday, April 4</b>	<b>Close of regular voter registration.</b> Registration forms postmarked by this date and received within 3 days are accepted for regular registration. Late registration must be completed at the county election office.	<a href="#">13-2-301</a>
Not more than 30 days before	<b>Monday, April 4</b>	<b>Contact your county election administrator</b> for the absentee ballot list.	<a href="#">13-13-212</a> <a href="#">20-20-312</a>
Not more than 30 days before	<b>Monday, April 4</b>	<b>Performance Testing and Certification of Voting System.</b> The election administrator must publicly test and certify that the system is performing properly.	<a href="#">13-17-212</a>
Day after Close of Regular Registration	<b>Tuesday, April 5</b>	<b>Start of Late Registration.</b> Late voter registration starts and continues through noon on the day before the election. Late registration must be completed at the office of the county election administrator. <b>** SEE NOTE</b>	<a href="#">13-2-304</a>
Not less than 10 days, or more than 40 days before	<b>Thursday March 24 Through Saturday, April 23</b>	<b>Notice of election is posted.</b> The election notice must be published in a newspaper of general circulation in the district, if available, posted in at least three public places in the district AND posted on the district's website for the 10 days prior to the election, if the district has an active website. Notice using any other recognized media may be used to supplement the posting. The notice must include: 1) the date and voting locations for the election; 2) voting location hours; 3) each proposition to be considered by the electorate; 4) the number of trustee positions, if any, subject to election and the length of the terms for those positions; 5) where and how absentee ballots may be obtained; and 6) where and how late registrants may obtain a ballot on election day. <b>** SEE NOTE</b> <ul style="list-style-type: none"><li>• If the polling place has changed from the previous school election, that change must be referred to in the notice.</li><li>• If more than one proposition will be considered in the same district, each proposition must be set apart and identified, or placed in separate notices.</li></ul>	<a href="#">20-20-204</a>
At least 20 days before	<b>Wednesday, April 13</b>	<b>Absentee ballots available.</b> The election administrator prepares ballots for absentee voters. Remember to enclose four things in the absentee package. <ul style="list-style-type: none"><li>• The ballot (with stubs removed);</li><li>• Instructions for voting and returning the ballot;</li><li>• A secrecy envelope, free of marks that would identify the voter; and</li><li>• A self-addressed, return envelope with affirmation printed on the back.</li></ul>	<a href="#">13-13-214</a> <a href="#">20-20-401</a>
Not before the 20 <sup>th</sup> day nor later than the 15 <sup>th</sup> day	<b>Wednesday, April 13 through Monday, April 18</b>	<b>Mail ballots mailed.</b> If mail ballot election is used, all ballots must be mailed on the same day (the day noted in the district's mail ballot plan), except that if an inactive elector reactivates after the ballots are mailed, the elector should be provided with or mailed a ballot. If the elector reactivates after noon on the day before election day, the elector must come in on election day to receive a ballot.	<a href="#">13-19-207</a>

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Not more than 10 days or less than 2 days before	<b>Saturday, April 23 through Sunday, May 1</b>	<b>Absentee/Mail Ballot Counting Notice.</b> Districts must publish in a newspaper of general circulation in the county a notice indicating the method that will be used for counting absentee/mail ballots and the place and time that the absentee/mail ballots will be counted on election day. <i>If the district publishes their notice of election on the 10<sup>th</sup> day prior to the election, in a newspaper of general circulation in the county, this information may be included in that notice.</i>	<a href="#">13-15-105</a>
Not more than 10 days or less than 2 days before	<b>Saturday, April 23 through Sunday, May 1</b>	<b>Polling Location Accessibility Notice.</b> Districts must publish in a newspaper of general circulation in the county a statement of the location of the polling places and whether each location is accessible or inaccessible. <i>This notice may be combined with the notice above, and with the notice of election if the notice is published on the 10<sup>th</sup> day prior to the election.</i>	<a href="#">13-3-105</a> <a href="#">13-3-207</a>
Not more than 10 days or less than 2 days before	<b>Saturday, April 23 through Sunday, May 1</b>	<b>Publication of Information Concerning Voting Systems.</b> Districts shall broadcast on radio or television or publish in a newspaper of general circulation in the county a diagram showing the voting system to be used by voters and a sample ballot (newspaper only), a statement of location of where the voting system to be used is on public display, and instructions on how to vote. <i>This notice may be combined with the notices above, and with the notice of election if the notice is published on the 10<sup>th</sup> day prior to the election.</i>	<a href="#">13-17-203</a>
Day before (by Noon)	<b>Monday, May 2</b>	<b>Deadline for absentee ballot requests.</b> Voters who wish to vote absentee may request an absentee ballot in writing or in person until noon the day before the election.	<a href="#">13-13-211</a> <a href="#">13-13-214</a>
Day before	<b>Monday, May 2</b>	<b>Deliver certified copy of the lists of registered electors.</b> Before the day of election, the county election administrator shall deliver a certified copy of the lists of registered electors for each voting location to the district. The district shall deliver them to the election judges prior to the opening of a voting location.	<a href="#">20-20-313</a>
Day before (at noon)	<b>Monday, May 2 (by noon)</b>	<b>Late registration closed.</b> Late registration is closed at noon the day before the election. Electors must late register at the office of the county election administrator by noon and return their certificate of late registration to the election administrator (the school district clerk if the school district is running the election) by 8:00 pm on election day. <b>**SEE NOTE</b>	<a href="#">13-2-304</a>
Election Day 	<b>Tuesday, May 3</b>	<b>ELECTION DAY.</b> The election administrator must prepare the polling places, printed ballots, ensure election judges are present, and conduct a fair and unbiased election.  <b>Notify election judges of the names of write-in candidates</b>	<a href="#">Title 13</a> <a href="#">20-20-105</a> <a href="#">20-20-401</a> <a href="#">20-20-411</a>
No sooner than 3pm on the 6 <sup>th</sup> day after the election	<b>Monday, May 9</b>	<b>The first date that provisional ballots may be counted.</b> Following the election, unresolved provisional ballots are sealed. These ballots may not be opened until after 3pm on the 6 <sup>th</sup> day after election. The election judges convene, and a determination is made as to whether the ballots are counted. If there are provisional ballots in a school election, the canvass may not occur until after all provisional ballots are resolved.	<a href="#">13-15-107</a>
Following receipt of the tally sheets from all polls and within 25 days after the election	<b>By Friday, May 27</b>	<b>Trustees canvass the votes, issue certificates of election, and publish results.</b> Trustees review the tally sheets compiled by the election judges to ascertain their accuracy. Recounts are ordered, if necessary. If tally is complete and accurate, trustees issue certificates of election to successful candidates. The canvassed results shall be published immediately in a newspaper that will give notice to the largest number of people in the district. <i>If the election was called by acclamation the trustees should still canvass results and issues certificates of election at this time.</i>	<a href="#">20-20-415</a> <a href="#">20-20-416</a>

Days From Election	Deadlines	Event (Special Instances Identified in Green)	MCA Citation
Within 5 days after the official canvass	<b>Monday, May 9 through Wednesday, June 1</b>	<b>Deadline for filing a petition for recount.</b> When a question submitted to a vote of the people is decided by a margin not exceeding $\frac{1}{4}$ of 1% of the total votes cast for and against the question, a petition for recount must be filed within 5 days after the official canvass.	<a href="#">13-16-201</a>
Within 5 days of receipt of notice from the election administrator	<b>Monday, May 9 through Monday, June 6</b>	<b>Deadline for convening the School Recount Board.</b> When a tie vote has been certified to the election administrator or conditions have been met for filing a recount petition, the board shall convene at its usual meeting place to perform a recount. The recount must be completed within 5 days of receipt of official canvass or recount petition.	<a href="#">13-16-204</a> <a href="#">20-20-420</a>
Within 25 days of election	<b>By Friday, May 27</b>	<b>Deadline for trustees to hold organizational meeting</b> to elect chair and appoint clerk.	<a href="#">20-3-321</a>
June 1	<b>Wednesday, June 1</b>	<b>Deadline for trustees to request county election administrator to conduct school elections for next year.</b> The school district clerk/election administrator is designated the election administrator for school elections. However, the trustees of any district may request the county election administrator to become the election administrator for school elections. The request must be made by a resolution of the board of trustees. If the county accepts, then the county must perform all the duties the school clerk would have. The school district must assume all costs of the election.	<a href="#">20-20-417</a>
Within 15 days after receipt of certificate of election	<b>By Friday, June 10</b>	<b>Candidate completes and files Oath of Office</b> with the County Superintendent. <i>*Newly elected trustees may not be seated until the oath is filed. The issuance and the oath may be administered at the organizational meeting but must be completed within 15 days of issuance.</i> <i>**In the event of a recount, the deadline for a candidate to complete and file the oath is 15 days from receipt of the certificate of election.</i>	<a href="#">20-3-307</a> <a href="#">20-1-202</a> <a href="#">1-6-101</a>

**\*\*NOTE:**

On May 17, 2022 the Montana Supreme Court lifted the injunction on two of the four bills that were under a preliminary injunction issued by the 13<sup>th</sup> Judicial District Court in April. The provisions of SB 169 and HB 176 are now in full effect. This effectively ends same day voter registration for any elections held on or after May 17, 2022. It is still our recommendation, until the Supreme Court issues a final decision, to use the generic language highlighted below for late voter registration – directing electors to the county election office for any information on voter registration. 13-1-102 (14)(b), MCA clearly states that any issues regarding voter registration are the responsibility of the county election office. The one bill affecting school elections that remains under the preliminary injunction is HB 506. This bill prohibited an election administrator from issuing a ballot to an elector who had registered in accordance with 13-2-110, MCA, but had not yet met age or residency requirements. Again, if you have questions regarding an elector’s voter registration status and eligibility to receive a ballot, please contact your county election office.

If the OPI will continue to monitor these challenges and will update districts as information becomes available.

~~A preliminary injunction was issued by the 13th Judicial District Court in Yellowstone County on 4/6/2022 affecting the following bills passed in the 2021 legislative session: HB 176, HB 506, HB 530 and SB 169. HB 176 and HB 506 directly affect school districts conducting the May 3, 2022 regular school election. HB 176 created a late voter registration deadline of noon on the day before the election. HB 506 prohibited an election administrator from issuing a ballot to an elector who had registered in accordance with 13-2-110, MCA, but not yet met the age or residency requirements. As of~~

~~today, these legislative changes are not to be enforced. Please be advised that this is a pending legal action that could change at any time. Should the OPI receive updated information it will be posted to our Elections webpage and information sent to districts as soon as possible. In the meantime, please direct any voter registration questions to your county election office.~~

Further, to meet the requirements of 20-20-204 (2)(f), MCA the template for a district's election notice contains the following statement:

*If you miss this regular registration deadline (30 days prior to the election), you may still register for the election by showing up at the county election office by noon on the day before election day. The late registration certificate may be exchanged for a ballot at the school election administrator's office until the close of polls on election day. The county election office is located at:*

*Click here to enter text.*

**It is our recommendation, as a result of this injunction, that the election notice be changed as follows:**

***If you miss this regular registration deadline (30 days prior to the election), you may still late register at the county election office. The late registration certificate may be exchanged for a ballot at the school election administrator's office until the close of polls on election day. The county election office is located at:***

***Click here to enter text.***

1-1-307, MCA. Postponement of day appointed for an action when it falls on a holiday or Saturday. Whenever any act of a secular nature, other than a work of necessity or mercy, is appointed by law or contract to be performed upon a particular day, which day falls upon a holiday or a Saturday, such act may be performed upon the next business day with the same effect as if it had been performed upon the day appointed.

***If the deadline, as read in statute, is phrased "not later than..." the deadline does not move to a later date but an earlier one.***

#### **Additional References:**

Sample forms can be found at this address: [School Finance Election Webpage](#)

Election Manual: [School Election Handbook](#)

MT Secretary of State's Office: [Secretary of State's Election Webpage](#)

**NOTE:** Candidates for trustee positions in (1) a first-class district located in a county with populations of 15,000 or more, OR (2) a county high school district with an enrollment of 2,000 or more are required to file a C-1-A Statement of Candidate within 5 days of becoming a candidate. For reporting dates and instructions contact the Montana Commissioner of Political Practices at: [Commissioner of Political Practices Webpage](#).