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Montana Office of Public Instruction
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Guidance to County Election Administrators and School Clerks on Cooperative Duties and Responsibilities for School District Elections

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The following information was drafted jointly by the Secretary of State and the Office of Public Education to give guidance to county election officials and school districts about the duties and responsibilities of both when conducting school elections. The guidance is not meant to be a comprehensive review of statutes, rules and processes, but is directed at issues that come up frequently and is meant to help create uniformity in the administration of school elections.

Pre-Election

1. The governing body resolution calling for the election must be provided by the school clerk to the county election administrator within 3 days after the resolution is passed.
2. If the election is to be run by mail, the individual administering the election must submit the mail ballot plan to the secretary of state so that it is received by that office no later than 60 days before the election.
 - a. A separate plan for each type of election must be submitted.
3. If the election is to be conducted by mail, the school clerk must transmit to the county election administrator a copy of the mail ballot written plan as soon as the plan is approved by the secretary of state.
4. Notice of the close of regular registration and the option for late registration is to be published as specified in 20-20-204 (1)(a) (House Bill 84). Notice of school election is to be published as specified in 20-20-204 (1)(a) (HB 84) between 10 and 40 days prior to the election. If the county is running the election, the school clerk must coordinate with the county regarding the publication of notices (publication of notices is the responsibility of the school district, regardless of who is conducting the election).
5. County election administrators must provide to school clerks who are conducting school elections:
 - a. A district register and list of registered electors in the district for a poll election, or
 - b. list of registered electors and labels for electors to be mailed ballots for a vote-by-mail election

- c. list of all absentee electors and an extract of mailing addresses and/or mailing labels for electors on the absentee list for a poll election
- d. a report showing signatures of registered voters in the district for absentee/mail ballot signature verification

Canceling Election

6. If the number of candidates is equal to or less than the number of positions to be elected, the trustees may give notice no later than 30 days before the election that a trustee election will not be held. The school clerk must provide said notice to the county election administrator as soon as possible, and no later than 30 days before the election.

Late Registration and Issuing Provisional Ballots

7. Regardless of who is administering the election, county election administrators will conduct late registration for school elections beginning the day after regular registration closes and ending at 8 pm on election day, or until everyone in line to register by 8 pm has registered.
 - a. Late registration is temporarily closed at noon the day before election day, and reopens on election day.
 - b. County offices will be open for late registration on election day through 8 pm.
8. School clerks conducting elections must allow anyone who is in line at the polls or in line to vote at the school clerk's office on election day (if the late registrant at the clerk's office has a Certificate of Late Registration form from the county election office) by 8 pm to receive a ballot and vote.
9. School clerks conducting either mail ballot or poll elections will provide ballots in-person to late registrants who provide the Certificate of Late Registration, during regular office hours, and until 8 pm on election day (including those in line to vote by 8 pm on election day).
 - a. Office hours during the late registration period must be clearly noticed to the public in the notice of the election published pursuant to 20-20-204 (1)(a) and through supplemental postings if necessary.
 - b. The Certificate of Late Registration form will include the registrant's signature for verification purposes, and the form should be retained by the school clerk as part of the official register.
10. **If the county EA is conducting the election**, the EA will verify to the best of their ability whether or not another jurisdiction has issued a ballot. They can do this by checking a list provided by school clerks to see whether or not the election was cancelled, through MT Votes if the other jurisdiction's election is being conducted by the county, or by calling the other jurisdiction if conducted by the school.
11. **If the school clerk is conducting the election**, the school clerk will verify to the best of their ability whether or not another jurisdiction has issued a ballot by checking a list provided by school clerks to see whether the election was cancelled or not, and if not canceled by calling the other jurisdiction (the certificate of late registration will display the previous county and district). The ballot will need to be provisional if the school clerk cannot reach the previous

jurisdiction, OR if the previous jurisdiction cannot void the existing ballot for any reason, consistent with 13-2-304(2). Note: a voted ballot returned to the election office cannot be voided.

12. **If the school election in the original jurisdiction is held by poll**, no matter who is conducting the election, all ballots issued to transfer late registrants on election day must be provisional, and must be resolved by the 6th day after the election. Resolution of the provisional ballot is done by the school clerk or the county election administrator, depending on who is conducting the election, by confirming with the previous jurisdiction that the voter did not vote in the previous jurisdiction.

Post-Election

13. The governing body of the school district holding the election is responsible for the canvass of the votes for the election.
 - a. Canvass may not occur until the Tuesday following election day to allow for counting of provisional ballots after 3 pm the Monday following election day.
14. The governing body of the school district holding the election is responsible for any recount that occurs.
15. A recount must be held at the regular meeting place of the governing body.
 - a. The school clerk is the secretary to the recount board.
16. The school clerk, if conducting the election, must provide registration forms and/or any other documentation, including absentee signature envelopes that update a voter's record, to the county election administrator immediately following the election.
17. The county election administrator, if conducting the school election, must provide to the school clerk before the scheduled canvass, the certified tally sheets and other materials, including sealed ballot containers.
18. The school clerk securely retains all information from the election including sealed ballots, according to the state records retention schedule at http://sosmt.gov/Records/Forms/local/Local_Schedule3.pdf.
19. If a county election administrator is conducting the election, and the ballots contain special district election offices or issues, the county election administrator securely stores all information including ballots, according to the state records retention schedule, and provides a list of all items pertaining to the school election being retained to the school clerk.
 - a. In the event of a recount, the county election administrator must securely provide all necessary records to the school clerk, including sealed ballots with a seal log.
 - b. After the school conducts the recount, except as outlined in (c), the school clerk shall securely seal and store all records including sealed ballots, according to the state records retention schedule.
 - c. If the ballots that contain the school races or issues being recounted also contain special district election offices or issues, the school clerk shall return such sealed ballots, the ballot seal log and other materials to the county election administrator for storage after the recount.