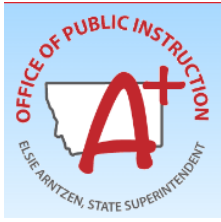




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Guidance to County Election Administrators and School Clerks on Cooperative Duties and Responsibilities for School District Elections

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*The following information was drafted jointly by the Secretary of State and the Office of Public Instruction 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 meant to help create uniformity in the administration of school elections.*

Pre-Election

1. The school clerk must provide a copy of the board of trustees' resolution calling for an election to the county election administrator within 3 days of passage.
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 not 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, and any amendments as soon as the plan is approved by the Secretary of State.
4. In accordance with [20-3-305](#), MCA, candidate filing forms must be submitted to the clerk of the district. If the election is conducted by the county election office, a coordination plan should be established to ensure that forms are timely received, signatures verified, and eligibility for office properly authenticated (current eligibility to vote within the boundaries of the position sought).
5. Notice of Close of Regular Registration is the responsibility of the County Election office under [13-1-101\(14\)](#), MCA and [13-2-301](#), MCA. School districts should coordinate with all the counties in which the district is located to ensure that this notice is published.
6. 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 mail ballot 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

7. 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.

Voter Accessibility

8. School district clerks conducting a **poll** election must check with the county election administrator to ensure that a current polling places accessibility survey is on file for the polling location. If not, the school district clerk must complete an accessibility survey and file it with the Secretary of State not less than 45 days before the election (ARM [44.3.105](#)).
9. For elections with 200 or more registered electors, the election administrator shall ensure that at least one voter interface device is available at each polling location and for mail ballot elections at locations appropriate to provide accessibility for disabled electors. In accordance with [13-1-302](#), MCA, the county must provide a voter interface device to the school district. The county may charge for the use of device but may not charge for the purchase or routine maintenance.

Election Notices

10. There are 4 election notices that are required for school elections. The county and the school district should coordinate to ensure that these notices are published in a timely manner:
 - a. **Notice of School Election** ([20-20-204](#), MCA) – published between 10 and 40 days before the election.
 - b. **Polling Location Accessibility Notice** ([13-15-105](#), MCA) – published between 2 and 10 days before the election (only required for poll elections).
 - c. **Publication of Information Concerning Voting Systems** ([13-17-203](#), MCA) – published between 2 and 10 days before the election.
 - d. **Notice of Close of Regular Registration** ([13-2-301](#), MCA) – published at least three times in the 4 weeks preceding the close of registration.

Late Registration and Issuing Provisional Ballots

11. 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 8:00 pm on election day, or until everyone in line by 8:00 pm has registered.
 - a. Late registration is temporarily closed at noon the day before election day until 5:00pm and reopens on election day.
 - b. County offices will be open for late registration on election day through 8 pm.
12. 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 8:00 pm to receive a ballot and vote.
13. 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 8:00 pm on election day (including those in line to vote by 8:00 pm on election day).
 - c. 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 \(1\)\(a\)](#), MCA and through supplemental postings if necessary.
 - d. 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.
14. **If the county EA is conducting the election**, the EA will verify to the best of their ability whether another jurisdiction has issued a ballot. They can do this by checking a list provided by school clerks to see whether the election was cancelled, through the statewide voter registration system if the other jurisdiction's election is being conducted by the county, or by calling the other jurisdiction if conducted by the school.
15. **If the school clerk is conducting the election**, the school clerk will verify to the best of their ability whether 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). A provisional ballot will be issued if the school clerk cannot confirm with the previous jurisdiction, or if the previous jurisdiction cannot void the existing ballot for any reason, consistent with [13-2-304\(2\)](#), MCA. **Note:** a voted ballot returned to the election office cannot be voided.
16. **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

17. The board of trustees of the school district holding the election is responsible for the canvass of the votes for the election.
 - e. Canvass may not occur until after 3:00 pm on the Monday following the election to allow for the counting of any provisional ballots.
18. The board of trustees of the school district holding the election is responsible for any recount that occurs.
19. A recount must be held at the regular meeting place of the board of trustees.
 - f. The school clerk is the secretary to the recount board unless the board of trustees designates otherwise.
20. 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.
21. 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.
22. The school clerk securely retains all information from the election including sealed ballots, according to the state records retention schedule [here](#).
23. If a county election administrator is conducting the election, and the ballots contain special district election offices or issues, the county election administrator will securely store all information. This includes 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.
 - g. 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.
 - h. 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.
 - i. 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.
24. The school district clerk must transmit a board of trustees' resolution to the county election administrator no later than June 1 to request the county conduct any/all elections for the following fiscal year.

If you have questions, please contact the following:

- **Title 13 election law:** Elections and Voter Services Division of the Secretary of State's office at 406-444-9608 or soselections@mt.gov or;
- **Title 20 School District election law:** Nicole Thuotte at the Office of Public Instruction at 406-444-2080 or nthuotte@mt.gov.