

Billings School District 2

THE BOARD OF TRUSTEES

Election

At each annual election provided for by law, each trustee candidate in a single-member trustee district must be a qualified elector in that district and must have resided in the trustee district to be represented for at least one (1) year prior to becoming a candidate for the trustee position. Elections conducted by the District are nonpartisan and are governed by general election laws of the State of Montana. The ballot at such elections may include candidates for trustee positions, various public policy propositions, and advisory questions.

Board elections shall take place on the first (1st) Tuesday after the first (1st) Monday in May of each year. Any person who is qualified to vote in the District is legally qualified to become a trustee. A declaration of intent to be a candidate shall be submitted to the Election Administrator at least forty (40) days before the regular school election day. If different terms are to be filled, the term for the position for which each candidate is filing must also be indicated. Any person seeking to become a write-in candidate must file a declaration of intent no later than 5:00p.m. on the 26th day before the election. The District may declare an election by acclamation no fewer than twenty-five (25) days before an election. If the number of candidates filing for vacant positions or filing a declaration of intent to be a write-in candidate is equal to or less than the number of positions to be elected, the Board may give notice that a trustee election will not take place. Notice of a cancellation must be given no later than thirty (30) days before the election date. If no trustee election takes place, the trustees shall declare the candidates elected by acclamation and shall issue a "certificate of election" to each candidate. An election for a trustee is considered a separate trustee election for the purpose of declaring election by acclamation as provided for in this section.

A candidate intending to withdraw from the election shall send a statement of withdrawal to the clerk of the district containing all information necessary to identify the candidate and the office for which the candidate filed. The statement of withdrawal must be acknowledged by the clerk of the district. A candidate may not withdraw after 5:00p.m. the day before the election ballot certification deadline in 20-20-401. MCA.

In the event of an unforeseen emergency occurring on the date scheduled for the funding election, the district will be allowed to reschedule the election for a different day of the calendar year. In years when the Legislatures meets in regular session or in a special session that affects school funding, trustees may order the election on a date other than the regular school election day in order for the electors to consider a proposition requesting additional funding under 20-9-353, MCA.

Taking Office

A newly-elected trustee shall take office as soon as election results have been certified and the newly-elected trustee has taken and subscribed to an oath to discharge faithfully and impartially the duties of the office to the best of one's ability. Such oath shall be filed with the county superintendent within fifteen (15) days after receipt of a certificate of election.

Single-Member Trustee District Boundaries

In 2003, the voters in the Billings Elementary School District approved a proposal to elect trustees in the Elementary District from specific areas of town, rather than at-large. The Elementary Board went through a process to create the zones or districts from which the seven Elementary trustees are elected. Since 2004 the Elementary trustees have been elected in single-member districts.

The boundaries of the single-member trustee districts shall be reviewed after each decennial census conducted by the United States. The boundaries shall be adjusted after each census to ensure the single-member trustees are (a) as compact in area and as equal in population as possible; and (b) provide equitable voting rights for the minorities residing within the Elementary School District by ensuring that the access of minorities to the political process is not diluted in contravention of the Voting Rights Act Amendments of 1982.

Trustee District Boundary Adjustment Process

The decennial census is completed in years ending in zero. The census data is typically released in years ending in one. The process described below shall be completed so that any necessary adjustments are made to the single-member trustee districts for the school election in years ending in three.

Step 1: Committee. The Board shall refer the matter to an existing Board committee or appoint an ad hoc Board committee to make recommendations to the Board on the guidelines for reestablishing boundaries, including without limitation.

Step 2: Creation of a Plan. The committee shall create a plan that redraws (or affirms) the boundaries of the District's single-member districts that comply with all applicable laws and regulations.

The plan must include a map of the proposed boundaries of the districts. The plan may include other documents necessary to complete the process, but the final plan shall be the map created by the committee and ultimately approved by the Board.

Step 3: Hearing. The committee shall operate pursuant to Montana law. The Board shall schedule and hold a public hearing on the proposed plan.

Step 4: Publish Notice. The District shall publish in a newspaper of general circulation in the district a notice of the public hearing, including a map of the proposed single-member trustee district plan, and the reasons the Board believes that the plan satisfies the legal requirements of single-member trustee districts.

Step 5: Submit to State for Review. After the public hearing is held, the Clerk shall forward a copy of the proposed single-member trustee district plan to the Secretary of State and the Superintendent of Public Instruction for review and comment.

The copy of the proposed plan must be accompanied by: (a) a map indicating the circulation of the newspaper in which the notice was published; (b) the published notice of the public hearing; (c) a map of the proposed single-member trustee district plan; and (d) a summary of any public comments to the board regarding the proposed plan.

Step 6: Modify Plan if Necessary. After receiving comments from the state, the Board may amend, revise, approve, or disapprove the proposed plan.

Step 7: Adopt the Plan. At a properly called public meeting and after public comment, the Board shall adopt the plan.

Step 8: Post Adoption. Once the plan is adopted, the Board must (a) inform the Yellowstone county Superintendent of Schools of its adoption; (b) publish notice of the adoption in a newspaper of general circulation within the Elementary District, including identification of the boundaries of each new single-member trustee district and the implementation date of the plan; and (c) file with the Yellowstone County Clerk and Recorder a certificate designating the boundary lines and limits of each single-member trustee district, which certificate includes the Board's resolution adopting the plan and the map of revised single-member trustee districts.

This process shall be modified if the legislature changes the statutes governing single-member trustee districts.

<u>Cross Reference:</u>	Policy 1113	Vacancies
<u>Legal References:</u>	§ 1-6-101, MCA	Officers who may administer oaths
	§ 2-16-116, MCA	Power to administer oaths
	§ 20-1-202, MCA	Oath of office
	§ 20-3-304, MCA	Annual election
	§ 20-3-305, MCA	Candidate qualification, nomination and withdrawal
	§ 20-3-307, MCA	Qualification and oath
	§ 20-3-308, MCA	Vacancy of trustee position
	§ 20-3-313, MCA	Election by acclamation – notice
	§ 20-3-324(4), MCA	Powers and duties
	§ 20-3-337, MCA	Plan for creating single-member trustee districts – petition election
	§ 20-3-338, MCA	Trustees elected by single-member district
	§ 20-3-344, MCA	Nomination of candidates by petition in first-class elementary district
	§ 20-20-301, MCA	Qualifications of elector

Policy History:

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