

Special Meeting of the Board of Trustees

April 4, 2018

6:00 p.m.

Cascade Public Schools
321 Central Avenue West
Cascade, Montana 59421-0529

Agenda

Call to Order

Public Comment on Non-Agenda Items

Members of the community are given opportunity to make brief comments to the Board on any matters not included in the agenda. By law the Board cannot deliberate, debate or take any action on any matter presented during Public Comment. **Comments about any staff, student, or member of public are not allowed due to rights of privacy laws.**

Public Comment on action (A) agenda items is to be addressed when the item is being considered on the agenda. Informational and Staff Reports are reported to Board of Trustees as information only.

New Business (A)

- A. Election Issue: Determine the validity of 3 Declarations of Intent for Trustee Candidates that failed to be turned into the District Clerk as required by 20-3-305.

Adjournment (A)

New Business (A)

A. Election Issue: Determine the validity of 3 Declarations of Intent for Trustee Candidates that failed to be turned in to the District Clerk as required by 20-3-305.

Presented by: Rick Cummings and Board of Trustees

Attachments: See Below

Facts to Consider: As of the close of business on March 29th, Karsen Drury, the Election Official, received two (2) Declaration of Intent & Oath of Candidacy for Trustee Candidates forms: Rick Cummings & John Rumney. These forms were completed in entirety and certified with the Cascade County Elections Office. The forms were returned to the District before the OPI mandated Election Deadline for Trustee Candidates to file. On the morning of March 30th, Karsen contacted the County Elections Office to notify them that only two people filed with the District. They replied that three (3) additional people filed for candidacy. One filed on March 8th, while the other two filed on March 29th. Karsen was not notified of the filings until she contacted the County. The Declaration of Intent & Oath of Candidacy for Trustee Candidates form states that the forms are to be returned to the Election Official, Karsen Drury. It is also stated on the school website where to return the forms. If Karsen had not personally contacted the County, she would not have known that these candidates filed at all and would have possibly canceled the election. Karsen spoke with Patty Boyle, Cascade County Superintendent of Schools, who said that the Elections Office had all 3 original forms in their possession and will be mailing them to the District. The Election is being run by the District, not the County. In summary, 3 forms were filed with the County, but not with the District, before the deadline to do so. Are these Declaration of Intent forms valid or null? If the Board should find these forms to be null and void, the 3 Candidates have the option to file as a Write-In Candidate by April 5, 2018 at 5:00 pm with the District Clerk. The form is available on the school website and must also be certified by the County before the deadline to file with the District Clerk. MTSBA referred the District to MCA 20-3-305 (attached below), ultimately determining the forms are null since they did not meet the statutory requirements. MTSBA and OPI's advice and determination differed.

Option 1: Accept the advice of OPI to include on the official Election Ballot the 3 candidates who failed to file their Declarations of Intent for Trustee Candidates with the District Clerk as required by MCA 20-3-305.

Option 2: Accept the advice of MTSBA to declare the 3 candidates who failed to file their Declarations of Intent for Trustee Candidates with the District Clerk as required by MCA 20-3-305 null and void.

Attachment A - OPI Advice:



Fri 3/30/2018 3:04 PM

Thuotte, Nicole <nthuotte@mt.gov>

RE: Cascade Election

To Karsen Drury

This message has been replied to or forwarded.

Message image001.jpg (17 KB)

These election forms are valid. The county should not have accepted the forms and should have directed the individuals to return the forms to the district, or should have accepted the forms and immediately notified the district. However, the candidates were not given the corrective information in a timely manner and the forms were accepted as properly filed. Given that, the candidates should be considered legitimate trustee candidates and placed on the district ballot.

Please let me know if you have any questions.

Nicole

Nicole Thuotte
MT Office of Public Instruction
PO Box 202501 Helena, MT 59620
(406) 444-4524

Attachment B - MCA 20-3-305:

20-3-305. Candidate qualification, filing deadline, and withdrawal. (1) Except as provided in 20-3-338, any person who is qualified to vote in a district under the provisions of 20-20-301 is eligible for the office of trustee.

(2) (a) Except as provided in subsection (2)(b), *a declaration of intent to be a candidate must be submitted to the clerk of the district at least 40 days before the regular school election day at which the person is to be a candidate.* If there are different terms to be filled, the term for the position for which the candidate is filing must also be indicated.

(b) A person seeking to become a write-in candidate for a trustee position shall file a declaration of intent no later than 5 p.m. on the day before the ballot certification deadline in 20-20-401.

(3) (a) A candidate intending to withdraw from the election shall send a statement of withdrawal to the clerk of the district. The statement must contain 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.

(b) A candidate may not withdraw after 5 p.m. the day before the ballot certification deadline in 20-20-401.

History: En. 75-5913 by Sec. 42, Ch. 5, L. 1971; R.C.M. 1947, 75-5913; amd. Sec. 1, Ch. 372, L. 1987; amd. Sec. 4, Ch. 539, L. 1987; amd. Sec. 3, Ch. 514, L. 1999; amd. Sec. 1, Ch. 271, L. 2011; amd. Sec. 201, Ch. 49, L. 2015.

Provided by Montana Legislative Services

Attachment C - MCA 20-20-401:

20-3-305. Trustees' election duties -- ballot certification. (1) *The trustees are the general supervisors of school elections unless the trustees request and the county election administrator agrees to conduct a school election under 20-20-417.*

(2) Not less than 30 days before an election, the clerk of the district shall certify the ballot by preparing a certified list of the names of all candidates entitled to be on the ballot subject to 13-37-126 and certifying the official wording for each ballot issue. The candidates' names must appear on the ballot in accordance with 13-12-203. The clerk shall arrange for printing the ballots. Ballots for absentee voting must be printed and available at least 20 days before the election. Names of candidates on school election ballots need not be rotated.

(3) Before the opening of the polls, the trustees shall cause each polling place to be supplied with the ballots and supplies necessary to conduct the election.

History: En. 75-6418 by Sec. 154, Ch. 5, L. 1971; R.C.M. 1947, 75-6418; amd. Sec. 364, Ch. 571, L. 1979; amd. Sec. 2, Ch. 481, L. 1983; amd. Sec. 4, Ch. 372, L. 1987; amd. Sec. 4, Ch. 144, L. 1997; amd. Sec. 9, Ch. 514, L. 1999; amd. Sec. 230, Ch. 49, L. 2015; amd. Sec. 2, Ch. 214, L. 2015.

Provided by Montana Legislative Services

Attachment D - Notice of Deadline for Candidate Forms to be Returned to District Posted on School Webpage:



March 29th is the deadline for Trustee Candidates to file for Election. A Declaration of Intent and Oath of Candidacy must be filed with the Election Administrator, Karsen Drury. No Candidate may appear on the ballot unless the candidate meets this deadline. There are two (2) seats available for a 3 year term. A Mail Ballot Election will be held if necessary. Please see the School Board main page for Election materials. Contact Karsen Drury at (406) 468-9383 x 104 for more information.

Attachment E - Declaration of Intent and Oath of Candidacy for Trustee Candidates Form:

DECLARATION OF INTENT AND OATH OF CANDIDACY FOR TRUSTEE CANDIDATES

To the School District Clerk/Election Administrator of School District No. 3B, Cascade County, State of Montana:

Filing for the office of School District Trustee: For a 3-year term at the Annual Regular School District Election to be held on the 8th day of May, 2018.

Candidate Name (Print): _____

Mailing address: _____

City and State: _____ Zip Code: _____

Residence address: _____

City and State: _____ Zip Code: _____

Contact Phone: _____ Email Address: _____

I hereby affirm that I possess, or will possess, within the constitutional and statutory deadlines, the qualifications prescribed by the Constitution and law of the United States and the State of Montana.

DATED this _____ day of _____, 2018

(Signature of Candidate)

Candidate must sign and acknowledge this Declaration of Intent before a Notary Public, if mailed, or before the Election Administrator or Deputy, if delivered in person.

State of Montana, County of _____

Signed and sworn to before me this _____ day of _____, 2018, by _____
Printed Name of Candidate

Signature of Notary or Public Official

Printed name of Notary or Public Official

SEAL/STAMP

Notary Public for the State of Montana
Residing at: _____
My Commission Expires: _____, 20__

DECLARATION OF INTENT AND OATH OF CANDIDACY FOR TRUSTEE CANDIDATES

Candidate Name (Print): _____

This Declaration of Intent for a trustee position must be submitted to the school district clerk/election administrator no later than 40 days before the election. **20-3-305, MCA**

Pursuant to **13-37-206, MCA**, all candidates for trustee positions in first-class districts located in counties with populations of 15,000 or more OR in county high school districts having student enrollments of 2,000 or more must report their campaign finance activities to the Montana Commissioner of Political Practices. Current forms are available at:

<http://politicalpractices.mt.gov/5campaignfinance/candidateinfo.mcp>

Please return this form to:

Name of Election Official: Karsen Drury, Business Manager/Clerk

Representing: Cascade School District 3B, Cascade County, MT

Address: 321 Central Ave W, Cascade, MT 59421

Fax: 406-468-9383x104 Email: karsen.drury@cascade.k12.mt.us

Attachment F - Declaration of Intent and Oath of Candidacy for Write-In Candidates Form:
DECLARATION OF INTENT AND OATH OF CANDIDACY FOR WRITE-IN CANDIDATES

To the School District Clerk/Election Administrator of School District No. 3B, Cascade County, State of Montana:

Filing for the office of School District Trustee: For a 3-year term at the Annual Regular School District Election to be held on the 8th day of May, 2018.

Candidate Name (Print): _____

Mailing address: _____

City and State: _____ Zip Code: _____

Residence address: _____

City and State: _____ Zip Code: _____

Contact Phone: _____ Email Address: _____

I hereby affirm that I possess, or will possess, within the constitutional and statutory deadlines, the qualifications prescribed by the Constitution and law of the United States and the State of Montana.

DATED this _____ day of _____, 20____

(Signature of Candidate)

Candidate must sign and acknowledge this Declaration of Intent before a Notary Public, if mailed, or before the Election Administrator or Deputy, if delivered in person.

State of Montana, County of _____

Signed and sworn to before me this ____ day of _____, 20____, by _____
Printed Name of Candidate

Signature of Notary or Public Official

Printed name of Notary or Public Official

Notary Public for the State of Montana (include stamp/seal)

Residing at: _____

My Commission Expires: _____, 20____

DECLARATION OF INTENT AND OATH OF CANDIDACY FOR WRITE-IN CANDIDATES

Candidate Name (Print): _____

This Declaration of Intent for a write-in trustee position must be submitted to the school district clerk/election administrator by 5:00 pm the day before ballot certification, or no later than 5:00 pm the day before the election if, after the deadline prescribed in **20-3-305, MCA**, a candidate for the office: a) dies; b) withdraws from the election; or c) is charged with a felony offense. **13-10-211(2), MCA**

Pursuant to **13-37-206, MCA**, all candidates (including write-in candidates) for trustee positions in first-class districts located in counties with populations of 15,000 or more OR in county high school districts having student enrollments of 2,000 or more must report their campaign finance activities to the Montana Commissioner of Political Practices. Current forms are available at: [Link to the MT Political Practices webpage](#).

Pursuant to **13-10-302 and 13-15-206, MCA**, a write-in vote may only be counted if the oval or other designated voting area on the ballot is marked and the write-in vote identifies a declared candidate by any of the designations filed in the write-in candidate’s declaration of intent which must contain:

- i) First and last name;
- ii) Initials, if any, used instead of a first name, or first and middle name, and last name;
- iii) Nickname, if any, used instead of a first name, and last name; **and**
- iv) A derivative or diminutive name, if any, used instead of a first name, and last name.

Therefore, as part of my declaration of intent to be a write-in candidate, I am listing the following variations of my name pursuant to **13-10-211(1), MCA, including my last name and at least an initial**, which is required by law for each variation:

Please return this form to:

Name of Election Official: Karsen Drury, Business Manager/District Clerk
 Representing: Cascade School District 3B, Cascade County, MT
 Address: 321 Central Ave W, Cascade, MT 59421
 Fax: (406) 468-9383 x 104 Email: karsen.drury@cascade.k12.mt.us