Election by Acclamation – Race v. Election

Precedence Of School Election Provisions

**20-20-102. Precedence of school election provisions.** Except as otherwise provided in this title, school elections shall be conducted and canvassed and the results shall be returned in the same manner as provided for general elections in Title 13. Should there be a conflict between the requirements of Title 13 and the provisions of this title regulating school elections, the provisions of this title shall govern. The superintendent of public instruction may make any necessary rules to clarify Title 13 provisions for use in school elections.

1. Authority of Supt of Public Instruction to make rules

**20-20-201. Calling of school election.** (1) At least 70 days before any school election, the trustees of a district or other entity or official authorized by law to call a school election shall call the school election by resolution, stating the date and purpose of each election and whether, pursuant to [**13-19-202**](https://archive.legmt.gov/bills/mca/title_0130/chapter_0190/part_0020/section_0020/0130-0190-0020-0020.html), any election is requested to be by mail.

(2) To enable the county election administrator to manage voter registration and prepare the lists of registered electors:

(a) the resolution calling for a school election must be transmitted to the county election administrator no later than 3 days after the resolution is passed; and

(b) if the election is to be conducted by mail, the school clerk must also transmit to the county election administrator a copy of the written plan required under [**13-19-205**](https://archive.legmt.gov/bills/mca/title_0130/chapter_0190/part_0020/section_0050/0130-0190-0020-0050.html) as soon as the plan has been approved by the secretary of state.

1. Trustees for the district – if EL/HS, two separate districts, two separate elections

Note: It’s a school election (singular)

Election By Acclamation -- Notice

**20-3-313. Election by acclamation -- notice.** (1) If the number of candidates filing for vacant positions or filing a declaration of intent to be a write-in candidate under [**20-3-305**](https://archive.legmt.gov/bills/mca/title_0200/chapter_0030/part_0030/section_0050/0200-0030-0030-0050.html)(2)(b) is equal to or less than the number of positions to be elected, the trustees may cancel the election.

(2) If the election is canceled, the trustees shall give notice that a trustee election will not be held. Notice must be given no later than 30 days before the election.

(3) If a trustee election is not held, the trustees shall declare elected by acclamation the candidate who filed for the position or who filed a declaration of intent to be a write-in candidate and shall issue a certificate of election to the candidate.

(4) An election for a trustee in a single-member district as provided in [**20-3-338**](https://archive.legmt.gov/bills/mca/title_0200/chapter_0030/part_0030/section_0380/0200-0030-0030-0380.html) or in a trustee nominating district as provided in [**20-3-353**](https://archive.legmt.gov/bills/mca/title_0200/chapter_0030/part_0030/section_0530/0200-0030-0030-0530.html) is considered a separate trustee election for the purposes of declaring election by acclamation as provided in this section.

1. Says “the number of candidates filing for vacant positions” – positions is plural – then the election may be cancelled.

Interpretation – a trustee election for elementary trustees and outlying HS trustees is a separate election. However, trustee races of different lengths is a single election. Districts may cancel one or the other by acclamation, but may not cancel a single race within an election.