

**Unofficial Draft Copy**

As of: January 15, 2014 (8:29pm)

LCele1

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the \*\*\*\*\*

A Bill for an Act entitled: "An Act generally revising election laws; PART 1 - GENERAL PROVISIONS... ."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Elections for special purpose districts -- voter qualifications.** (1) (a) If the initial board or commission members for a special purpose district are required by law to be elected, the election shall be held on the same day as a regular school election under 20-20-105(1), primary election, or general election that immediately follows the creation of the district.

(b) A subsequent election of a board or commission member for a special purpose district, whether the member was initially elected or appointed, shall be held on the general election day established in 13-1-104(1).

(2) An election for the creation, alteration of boundaries, or dissolution of a special purpose district shall be held on the same day as a regular school election under 20-20-105(1), primary election, or general election.

(3) A special purpose district election concerning financing, such as for a fee or tax assessment or to approve the issuance of bonds, shall be held on the same day as a regular

**Unofficial Draft Copy**

As of: January 15, 2014 (8:29pm)

LCele1

school election under 20-20-105(1), primary election, or general election, or the governing body may call a special election.

(4) A special purpose district election must be conducted by an election administrator. If the special purpose district lies in more than one county, each county with a portion of the district must conduct an election. The county with the largest percentage of electors in the district shall combine the results for the official canvass of district results.

(5) A special purpose district election may be conducted by mail ballot, subject to the provisions of Title 13, chapter 19.

(6) To be considered a qualified elector, a person who is not a resident of a proposed or established special purpose district but is entitled by law to vote in an election concerning the district if the person is registered to vote elsewhere must file proof of voter registration with the election administrator at least 20 days prior to the election in which the individual intends to vote.

(7) Except as otherwise provided by law, a special purpose district election must be conducted in accordance with the provisions of this title.

**Section 2.** Section 13-1-101, MCA, is amended to read:

**"13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Active elector" means an elector whose name has not been placed on the inactive list due to failure to respond to

**Unofficial Draft Copy**

As of: January 15, 2014 (8:29pm)

LCele1

confirmation notices pursuant to 13-2-220 or 13-19-313.

(2) "Active list" means a list of active electors maintained pursuant to 13-2-220.

(3) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(4) "Application for voter registration" means a voter registration form prescribed by the secretary of state that is completed and signed by an elector, submitted to the election administrator, and contains voter registration information subject to verification as provided by law.

(5) "Ballot" means a paper ballot counted manually or a paper ballot counted by a machine, such as an optical scan system or other technology that automatically tabulates votes cast by processing the paper ballots.

(6) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination, or appointment as a candidate for public office as required by law;

(b) for the purposes of chapter 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

**Unofficial Draft Copy**

As of: January 15, 2014 (8:29pm)

LCele1

(i) solicitation is made;  
(ii) contribution is received and retained; or  
(iii) expenditure is made; or  
(c) an officeholder who is the subject of a recall election.

(7) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) "Contribution" does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by individuals in their private residences for a candidate or other individual;

(ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iii) the cost of any communication by any membership organization or corporation to its members or stockholders or employees; or

**Unofficial Draft Copy**

As of: January 15, 2014 (8:29pm)

LCele1

(iv) filing fees paid by the candidate.

(8) "Election" means a general, regular, special, or primary election held pursuant to the requirements of state law, regardless of the time or purpose.

(9) "Election administrator" means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections not administered by the county, the term means the school district clerk.

(10) "Elector" means an individual qualified to vote under state law.

(11) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made for the purpose of influencing the results of an election.

(b) "Expenditure" does not mean:

(i) services, food, or lodging provided in a manner that they are not contributions under subsection (7);

(ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;

(iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or

**Unofficial Draft Copy**

As of: January 15, 2014 (8:29pm)

LCele1

employees.

(12) "Federal election" means ~~a general or primary~~ an election in even-numbered years in which an elector may vote for individuals for the office of president of the United States or for the United States congress.

(13) "General election" ~~or "regular election"~~ means an election ~~held for the election of public officers throughout the state at times specified by law, including elections for officers of political subdivisions when the time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election,~~ "general election" means an election held at the time provided in 13-1-104(1). ~~For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted as a constitutional initiative at a regular election, regular election means an election held at the time provided in 13-1-104(1)~~ specified in 13-1-104.

(14) "Inactive elector" means an individual who failed to respond to confirmation notices and whose name was placed on the inactive list pursuant to 13-2-220 or 13-19-313.

(15) "Inactive list" means a list of inactive electors maintained pursuant to 13-2-220 or 13-19-313.

(16) "Individual" means a human being.

(17) (a) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval or

**Unofficial Draft Copy**

As of: January 15, 2014 (8:29pm)

LCele1

rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall questions, school levy questions, bond issue questions, or a ballot question.

(b) For the purposes of chapters 35 and 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement upon the ballot has been completed, except that a statewide issue becomes a "ballot issue" upon preparation and transmission by the secretary of state of the form of the petition or referral to the person who submitted the proposed issue.

(18) "Legally registered elector" means an individual whose application for voter registration was accepted, processed, and verified as provided by law.

(19) "Mail ballot election" means any election that is conducted under Title 13, chapter 19, by mailing ballots to all active electors.

(20) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (6).

(21) "Place of deposit" means a location designated by the election administrator pursuant to 13-19-307 for a mail ballot election conducted under Title 13, chapter 19.

(22) "Political committee" means a combination of two or more individuals or a person other than an individual who makes a contribution or expenditure:

**Unofficial Draft Copy**

As of: January 15, 2014 (8:29pm)

LCele1

(a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

(23) "Political subdivision" means a county, consolidated municipal-county government, municipality, special purpose district, or any other unit of government, except school districts, having authority to hold an election ~~for officers or on a ballot issue.~~

(24) "Polling place election" means an election primarily conducted at polling places rather than by mail under the provisions of Title 13, chapter 19.

(25) "Primary" or "primary election" means an election ~~held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state~~ specified in 13-1-107.

(26) "Provisional ballot" means a ballot cast by an elector whose identity or eligibility to vote has not been verified as provided by law.

(27) "Provisionally registered elector" means an individual whose application for voter registration was accepted but whose identity or eligibility has not yet been verified as provided by law.



**Unofficial Draft Copy**

As of: January 15, 2014 (8:29pm)

LCele1

(28) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

(29) "Random-sample audit" means an audit involving a manual count of ballots from designated races and ballot issues in precincts selected through a random process as provided in 13-17-503.

(30) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

(31) "Regular school election" means the school trustee election provided for in 20-20-105(1).

(32) "School election" has the meaning provided in 20-20-101.

~~(32)~~(33) "School election filing officer" means the filing officer with whom the declarations for nomination for school district office were filed or with whom the school ballot issue was filed.

~~(33)~~(34) "School recount board" means the board authorized pursuant to 20-20-420 to perform recount duties in school elections.

~~(34)~~(34) "Signature envelope" means an envelope that contains a secrecy envelope and ballot and that is designed to:

(a) allow election officials, upon examination of the outside of the envelope, to determine that the ballot is being submitted by someone who is in fact a qualified elector and who has not already voted; and

**Unofficial Draft Copy**

As of: January 15, 2014 (8:29pm)

LCele1

(b) allow it to be used in the United States mail.

~~(35)~~(36) "Special election" means an election held on a date other than the day specified for a statutorily scheduled primary or election in 13-1-107, the day specified in 13-1-104 for a general election, or the day specified in 20-20-105(1) for a regular school election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

(36) "Special purpose district" means any political subdivision authorized by law for a specialized and limited purpose.

(37) "Statewide voter registration list" means the voter registration list established and maintained pursuant to 13-2-107 and 13-2-108.

~~(37)~~(38) "Transfer form" means a form prescribed by the secretary of state that may be filled out by an elector to transfer the elector's registration when the elector's residence address has changed within the county.

~~(38)~~(39) "Valid vote" means a vote that has been counted as valid or determined to be valid as provided in 13-15-206.

~~(39)~~(40) "Voted ballot" means a ballot that is:

- (a) deposited in the ballot box at a polling place;
- (b) received at the election administrator's office; or
- (c) returned to a place of deposit.

~~(40)~~(41) "Voting system" or "system" means any machine, device, technology, or equipment used to automatically record, tabulate, or process the vote of an elector cast on a paper

**Unofficial Draft Copy**

As of: January 15, 2014 (8:29pm)

LCele1

ballot."

{ *Internal References to 13-1-101:*

2-2-121	13-27-111	13-37-101	13-37-219
13-37-228	13-37-250	20-20-421	70-1-522 }

**Section 3.** Section 13-1-104, MCA, is amended to read:

**"13-1-104. Times for holding general elections.** ~~(1)(a)~~

~~Except as provided in subsection (1)(b), a general election must be held throughout the state in every even-numbered year on the first Tuesday after the first Monday of November to vote on ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election and to elect federal officers, state or multicounty district officers, members of the legislature, judges of the district court, and county officers when the terms of the offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.~~

~~—— (b) A special election may be held on an earlier date provided in a law authorizing a special statewide election on an initiative or referendum pursuant to Article III, section 6, of the Montana constitution.~~

~~—— (2) A general election must be held throughout the state in every odd-numbered year on the first Tuesday after the first Monday in November to elect municipal officers, officers of political subdivisions wholly within one county and not required to hold annual elections, and any other officers specified by law for election in odd-numbered years when the term for the offices~~

**Unofficial Draft Copy**

As of: January 15, 2014 (8:29pm)

LCele1

~~will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.~~

~~—— (3) The general election for any political subdivision, other than a municipality, required to hold elections annually must be held on school election day, the first Tuesday after the first Monday of May of each year, and is subject to the election procedures provided for in 13-1-401.~~

~~—— (4) The general election for a municipality required to hold elections annually may be held either on school election day, as provided in subsection (3), or on the first Tuesday after the first Monday in November, at the discretion of the governing body. (1) The general election day is the first Tuesday after the first Monday in November.~~

(2) The following elections shall be held on the general election day in every even-numbered year:

(a) an election on any ballot issue submitted to electors pursuant to Article III, section 6, unless the legislature orders a special election, or Article XIV, section 8, of the Montana constitution;

(b) an election of federal officers, state officers, public service commissioners, members of the legislature, and judges of the district court;

(c) an election of county officers when a county officer's term expires; and

(d) any other election specified by law to be held on general election day in even-numbered years.

**Unofficial Draft Copy**

As of: January 15, 2014 (8:29pm)

LCele1

(3) The following elections shall be held on the general election day in odd-numbered years:

(a) an election of officers for municipalities; and

(b) any other election specified by law to be held on general election in odd-numbered years."

{*Internal References to 13-1-104:*

3-6-201	7-6-1544	7-6-1544	7-6-1546
7-13-2236	7-14-1106	7-33-2106	7-34-2117
13-1-101	13-1-101	13-1-106	13-1-107
13-1-107	13-1-107	13-1-301	13-1-401
13-1-401	13-1-401	13-3-202	13-10-201
13-10-325	13-10-326	13-13-205	13-13-205
13-35-107	20-20-106	85-7-1702	85-8-302 }

**Section 4.** Section 13-1-107, MCA, is amended to read:

**"13-1-107. Times for holding primary elections -- cost of municipal primary.** (1) On the first Tuesday after the first Monday in June preceding ~~the~~ an even-numbered year general election provided for in 13-1-104~~(1)~~(2), a primary election, if required, shall be held throughout the state.

(2) On the first Tuesday following the second Monday in September preceding ~~the~~ an odd-numbered year general election provided for in 13-1-104~~(2)~~(3), a primary election, if required, shall be held throughout the state.

(3) ~~If the general election for a municipality required to hold annual elections is held in November, as provided in 13-1-104(4), a primary election, if required, shall be held on the Tuesday following the second Monday in September. In an even-numbered year, the~~ The cost of this a municipal primary election must be paid by the municipality."

**Unofficial Draft Copy**

As of: January 15, 2014 (8:29pm)

LCele1

{*Internal References to 13-1-107:*

3-1-1013	13-3-202	13-10-201	13-10-208
13-10-209	13-10-325	13-10-326	13-10-401
13-13-205	13-13-205	13-14-115	13-35-107
13-37-126	13-37-126	}	

**Section 5.** Section 13-1-108, MCA, is amended to read:

**"13-1-108. Notice of ~~special~~ elections.** (1) The election administrator or deputy election administrator conducting a general election, primary election, or regular school election on the day specified in 20-20-105(1) shall give notice of the election not less than 20 days or more than 40 days before the day of the election by display advertisement at least two times in a newspaper of general circulation within participating political subdivisions. The election administrator or deputy election administrator may also notify the public of the election by radio or television announcements.

(2) Notice of any special election must be broadcast or published The election administrator or deputy election administrator conducting a special election shall give notice of the special election by publishing a notice of the election at least three times in the 4 weeks immediately preceding the election in a newspaper of general circulation in the jurisdiction where the election will be held or ~~may be broadcast~~ by broadcasting the notice on radio or television as provided in 2-3-105 through 2-3-107 using the method the election administrator believes is best suited to reach the largest number of potential electors. The provisions of this ~~section~~ subsection are fulfilled upon the third publication or broadcast of the

notice."

{Internal References to 13-1-108:

7-2-4105	7-2-4603	7-2-4903	7-3-1205
7-3-1208	7-4-2106	7-5-4322	7-6-1536
7-7-2229	7-7-4227	7-10-104	7-13-2210
7-13-2273	7-13-2324	}	

Section 6. Section 13-1-401, MCA, is amended to read:

~~"13-1-401. Manner of conducting general elections for political subdivisions required to hold annual elections School district and political subdivision election cooperation. (1) Any political subdivision required to hold annual elections under 13-1-104(3) holding an election in conjunction with the regular school election day provided for in 20-20-105(1) may cooperate with school districts having similar district boundaries to hold the election at the same location. The election administrator or deputy election administrator appointed under the provisions of 13-1-301 shall cooperate with the school district election administrator to share costs, as provided in 13-1-302.~~

~~(2) A political subdivision subject to 13-1-104(3) may, with the consent of the election administrator or deputy election administrator, conduct its annual election at an annual meeting of the political subdivision or at another convenient location within the political subdivision.~~

~~(3) A political subdivision election subject to 13-1-104(3) may be conducted by mail ballot as provided in Title 13, chapter 19.~~

~~(4) The election administrator or deputy election administrator conducting an election under the provisions of~~

**Unofficial Draft Copy**

As of: January 15, 2014 (8:29pm)

LCele1

~~subsection (1), (2), or (3) shall give notice of the election not less than 20 days or more than 40 days before the day of the election by display advertisement at least two times in a newspaper of general circulation within the political subdivision. The election administrator or deputy election administrator may notify the public of the election by additional posting of notices or radio and television announcements."~~

{*Internal References to 13-1-401:*

7-14-1106	7-33-2106	7-34-2117	13-1-104
13-1-301	85-7-1702	85-7-1702	85-7-1702
85-8-302	85-8-624	85-8-624	85-8-624
85-8-624	}		

**Section 7.** Section 13-10-201, MCA, is amended to read:

**"13-10-201. Declaration for nomination -- term limitations.**

(1) Each candidate in the primary election, except nonpartisan candidates filing under the provisions of Title 13, chapter 14, shall file a declaration for nomination with the secretary of state or election administrator. Except for a candidate who files under 13-38-201, a candidate may not file for more than one public office. Each candidate for governor shall file a joint declaration for nomination with a candidate for lieutenant governor.

(2) A declaration for nomination must be filed in the office of:

(a) the secretary of state for placement of a name on the ballot for the presidential preference primary, a congressional office, a state or district office to be voted for in more than one county, a member of the legislature, or a judge of the



district court;

(b) the election administrator for a county, municipal, precinct, or district office (other than a member of the legislature or judge of the district court) to be voted for in only one county.

(3) Each candidate shall sign the declaration and send with it the required filing fee or, in the case of an indigent candidate, send with it the documents required by 13-10-203. Unless filed electronically with the secretary of state, the declaration for nomination must be acknowledged by an officer empowered to acknowledge signatures or by the officer of the office at which the filing is made.

(4) The declaration for nomination must include an oath of the candidate that includes wording substantially as follows: "I hereby affirm that I possess, or will possess within constitutional and statutory deadlines, the qualifications prescribed by the Montana constitution and the laws of the United States and the state of Montana." The candidate affirmation included in this oath is presumed to be valid unless proven otherwise in a court of law.

(5) The declaration, when filed, is conclusive evidence that the elector is a candidate for nomination by the elector's party. For a partisan election, an elector may not file a declaration for more than one party's nomination.

(6) (a) The declaration for nomination must be in the form and contain the information prescribed by the secretary of state.

(b) A person seeking nomination to the legislature shall

provide the secretary of state with a street address, legal description, or road designation to indicate the person's place of residence. If a candidate for the legislature changes residence, the candidate shall, within 15 days after the change, notify the secretary of state on a form prescribed by the secretary of state.

(c) The secretary of state and election administrator shall furnish declaration for nomination forms to individuals requesting them.

(7) ~~(a)~~ Except as provided in 13-10-211 and subsection (7)(b) of this section, a candidate's declaration for nomination must be filed no sooner than ~~135~~ 145 days before the election in which the office first appears on the ballot and no later than 5 p.m., ~~75~~ 85 days before the date of the primary election.

~~(b) For an election held pursuant to 13-1-104(1)(a) or 13-1-107(1) or for a political subdivision that holds an election on the date of either of those elections, a candidate's declaration for nomination must be filed no sooner than 145 days before the election in which the office first appears on the ballot and no later than 5 p.m., 85 days before the date of the primary election.~~

(8) A properly completed and signed declaration for nomination form may be sent by facsimile transmission, electronically mailed, delivered in person, or mailed to the election administrator or to the secretary of state.

(9) For the purposes of implementing Article IV, section 8, of the Montana constitution, the secretary of state shall apply

**Unofficial Draft Copy**

As of: January 15, 2014 (8:29pm)

LCele1

the following conditions:

(a) A term of office for an official serving in the office or a candidate seeking the office is considered to begin on January 1 of the term for which the official is elected or for which the candidate seeks election and end on December 31 of the term for which the official is elected or for which the candidate seeks election.

(b) A year is considered to start on January 1 and end on the following December 31.

(c) "Current term", as used in Article IV, section 8, of the Montana constitution, has the meaning provided in 2-16-214."

{*Internal References to 13-10-201:*

13-10-203	13-10-211	13-10-404	13-10-404
13-10-405	13-10-405	13-14-112	13-14-112
13-14-113	}		

- END -

{Name : Sheri S. Scurr  
Title : Research Analyst  
Agency : Legislative Services Division  
Phone : (406) 444-3596  
E-Mail : sscurr@mt.gov}