

HOUSE BILL NO. 25

INTRODUCED BY GALVIN-HALCRO

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PRIMARY ELECTION CANDIDATE MAY FILE A DECLARATION FOR ONLY ONE PARTY'S NOMINATION; ~~ALLOWING THE PARTY SYMBOL OF A CANDIDATE TO BE PLACED NEXT TO THE CANDIDATE'S NAME ON A BALLOT;~~ AND AMENDING ~~SECTIONS~~ SECTION 13-10-201 ~~AND 13-12-202~~, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 13-10-201, MCA, is amended to read:

"13-10-201. Declaration for nomination. (1) Each candidate in the primary election, except nonpartisan candidates filing under the provisions of chapter 14, shall ~~send~~ file a declaration for nomination ~~to~~ with the secretary of state or election administrator. Each candidate for governor shall ~~send~~ 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. 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, 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.

(5) (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.

(6) Declarations for nomination must be filed no sooner than 135 days before the election in which the office first appears on the ballot and no later than 5 p.m., 75 days before the date of the primary election.

(7) A declaration for nomination form may be sent by facsimile transmission, if a facsimile facility is available for use by the election administrator or by the secretary of state, delivered in person, or mailed to the election administrator or to the secretary of state."

~~Section 2. Section 13-12-202, MCA, is amended to read:~~

~~"13-12-202. Ballot form and uniformity. (1) The secretary of state shall prescribe the ballot form for all types of ballots used in this state:~~

~~(2) The names of all candidates printed upon the ballots shall must be in type of the same size and character. For a partisan election, the party symbol of the candidate may appear next to the candidate's name:~~

~~(3) When the stubs are detached, it must be impossible to distinguish any one of the ballots from another ballot for the same office or issue:~~

~~(4) The ballots must contain the name of every candidate whose nomination is certified under law for an office and no other names, except that the names of candidates for president and vice president of the United States shall must appear on the ballot as provided in 13-25-101(2)."~~

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