

## HOUSE BILL NO. 651

INTRODUCED BY C. HARRIS

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE SECRETARY OF STATE TO SELECT THE DATE FOR EACH PRESIDENTIAL PREFERENCE PRIMARY ELECTION; REQUIRING THE DATE OF THE PRIMARY ELECTION TO BE IN FEBRUARY OR MARCH IN THE YEAR IN WHICH A PRESIDENT OF THE UNITED STATES IS TO BE ELECTED; ALLOWING THE PRIMARY ELECTION TO BE CONDUCTED BY MAIL BALLOT; REQUIRING THE SECRETARY OF STATE TO SPECIFY THE FORM OF THE PRIMARY ELECTION BALLOT; AMENDING SECTIONS 13-10-401, 13-10-402, 13-10-403, AND 13-19-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 13-10-401, MCA, is amended to read:

**"13-10-401. Date of presidential primary.** (1) In the years in which a president of the United States is to be elected, a presidential preference primary election will ~~must~~ be held on the same day as the primary provided for in 13-1-107 a date selected by the secretary of state in accordance with this section.

(2) The secretary of state shall select a date in February or March of the year in which a president of the United States is to be elected as the date for the presidential preference primary election. The secretary of state shall select the date for the presidential preference primary election no later than September 15 in the year before the year in which a presidential preference primary election must be conducted."

**Section 2.** Section 13-10-402, MCA, is amended to read:

**"13-10-402. Ballot.** ~~The~~ (1) Except as provided in subsection (2), the regular party primary ballots shall ~~shall~~ must be used for the presidential preference primary election. ~~The presidential section of the ballot shall be placed before any other section, national, state, or local.~~

(2) The presidential preference primary election may be conducted by mail ballot in accordance with Title 13, chapter 19."

**Section 3.** Section 13-10-403, MCA, is amended to read:

**"13-10-403. Form of ballot.** The secretary of state shall specify the form of the presidential preference primary election ballot. ~~The ballot shall~~ must list all candidates nominated in accordance with the provisions of this part and ~~shall~~ must, in addition, include a presidential ballot position ~~which shall be~~ designated as "no preference" and a blank write-in space."

**Section 4.** Section 13-19-104, MCA, is amended to read:

**"13-19-104. Mail ballot elections not mandatory -- when authorized -- when prohibited -- when county election administrator conducts.** (1) Conducting elections by mail ballot is only one option available to local officials, and this chapter does not mandate that the procedure be used.

(2) Except as provided in subsection (3), any election may be conducted by mail ballot.

(3) The following elections may not be conducted by mail ballot:

(a) a regularly scheduled federal, state, or county election, except for a presidential preference primary election as provided for in 13-10-402;

(b) a special federal or state election, unless authorized by the legislature; or

(c) a regularly scheduled or special election when another election in the political subdivision is taking place at the polls on the same day.

(4) If more than one mail ballot election is being conducted in the political subdivision on the same day, the county election administrator shall conduct the elections."

**NEW SECTION.** **Section 5. Effective date.** [This act] is effective on passage and approval.

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