| 1 | HOUSE BILL NO. 797 |

<div align="center">HOUSE BILL NO. 797</div>

<div align="center">INTRODUCED BY ANKNEY, GROESBECK</div>

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS GOVERNING THE PRESIDENTIAL PREFERENCE PRIMARY ELECTION; AUTHORIZING THE SECRETARY OF STATE TO SET THE DATE FOR THE PRESIDENTIAL PREFERENCE PRIMARY; ALLOWING A PRESIDENTIAL PREFERENCE PRIMARY ELECTION TO BE CONDUCTED BY MAIL BALLOT; AUTHORIZING THE SECRETARY OF STATE TO SPECIFY THE FORM OF THE PRESIDENTIAL PREFERENCE PRIMARY BALLOT; PROVIDING AN APPROPRIATION AND ALLOCATION TO COUNTIES TO PAY FOR THE ELECTION; AMENDING SECTIONS 13-10-401, 13-10-403, AND 13-19-104, MCA; REPEALING SECTION 13-10-402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION 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 preference primary.** 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 in either February or March on a date selected by the secretary of state. The secretary of state shall select the date for the election no later than September 15 in the year prior to the election."

Section 2. 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 ballot shall list all candidates nominated in accordance with the provisions of this part and shall, in addition, which must include a presidential ballot position which shall be designated as "no preference" and a blank write-in space."

Section 3. 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.

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

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

3   (a) a regularly scheduled federal, state, or county election, other than the presidential preference primary

4   election;

5   (b) a special ~~federal or state~~ election held on the same day as a primary or general election, unless

6   authorized by the legislature; or

7   (c) a regularly scheduled or special election when another election in the political subdivision is taking

8   place at the polls on the same day.

9   (4) (a) Except as provided in subsection (4)(b), if more than one mail ballot election is being conducted

10   in the political subdivision on the same day, the county election administrator shall conduct the elections.

11   (b) The requirement that a county election administrator shall conduct more than one mail ballot election

12   on the same day does not apply to a mail ballot school bond election conducted by the trustees of any two or

13   more school districts that have unified pursuant to 20-6-312 or that have created a joint board of trustees pursuant

14   to 20-3-361."

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16   NEW SECTION. **Section 4. Repealer.** Section 13-10-402, MCA, is repealed.

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18   NEW SECTION. **Section 5. Appropriation to secretary of state -- allocation to counties.** There is

19   appropriated from the general fund to the secretary of state $1 million for the fiscal year ending June 30, ~~2009~~

20   2008, for the purposes of conducting a presidential preference primary in 2008. No later than January 1, 2008,

21   the secretary of state shall pay the money appropriated in this section to each county on a prorated basis

22   according to each county's total number of registered electors on July 1, 2007.

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24   NEW SECTION. **Section 6. Contingent voidness.** If [LC 2215] is not passed and approved, then [this

25   act] is void.

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27   NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

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29   NEW SECTION. **Section 8. Termination.** [This act] terminates July 1, 2009.

30   - END -