

## 1 SENATE BILL NO. 181

2 INTRODUCED BY J. COBB

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE DEADLINE BY WHICH A WRITE-IN CANDIDATE  
5 IN A MAIL BALLOT ELECTION MUST FILE A DECLARATION OF INTENT; AND AMENDING SECTION  
6 13-10-211, MCA."

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

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10 **Section 1.** Section 13-10-211, MCA, is amended to read:

11 **"13-10-211. Declaration of intent for write-in candidates.** (1) Except as provided in subsection (7),  
12 a person seeking to become a write-in candidate for an office in any election shall file a declaration of intent. The  
13 declaration of intent must be filed with the secretary of state or election administrator, depending on where a  
14 declaration of nomination for the desired office is required to be filed under 13-10-201, or with the school district  
15 clerk for a school district office. Except as provided in subsections (2) and (3), the declaration must be filed no  
16 later than 5 p.m. on the 15th day before the election and must contain:

17 (a) (i) the candidate's first and last names;

18 (ii) the candidate's initials, if any, used instead of a first name, or first and middle name, and the  
19 candidate's last name;

20 (iii) the candidate's nickname, if any, used instead of a first name, and the candidate's last name; and

21 (iv) a derivative or diminutive name, if any, used instead of a first name, and the candidate's last name;

22 (b) the candidate's mailing address;

23 (c) a statement declaring the candidate's intention to be a write-in candidate;

24 (d) the title of the office sought;

25 (e) the date of the election;

26 (f) the date of the declaration; and

27 (g) the candidate's signature.

28 (2) A declaration of intent may be filed after the deadline provided for in subsection (1) but no later than  
29 5 p.m. on the day before the election if, after the deadline prescribed in subsection (1), a candidate for the office  
30 that the write-in candidate is seeking:

1 (a) dies;

2 (b) withdraws from the election; or

3 (c) is charged with a felony offense.

4 (3) A person seeking to become a write-in candidate in a mail ballot election or for a trustee position on  
5 in a school board election shall file a declaration of intent no later than 5 p.m. on the 26th day before the election.

6 (4) The secretary of state shall notify each election administrator of the names of write-in candidates who  
7 have filed a declaration of intent with the secretary of state. Each election administrator and school district clerk  
8 shall notify the election judges in the county or district of the names of write-in candidates who have filed a  
9 declaration of intent.

10 (5) A declaration of intent may be sent by facsimile transmission if a facsimile facility is available for use  
11 by the election administrator or by the secretary of state, delivered in person, or mailed to the election  
12 administrator or to the secretary of state.

13 (6) A declaration is not valid until the filing fee required pursuant to 13-10-202 is received by the  
14 secretary of state or the election administrator.

15 (7) The requirements in subsection (1) do not apply if:

16 (a) an election is held;

17 (b) a person's name is written in on the ballot;

18 (c) the person is qualified for and seeks election to the office for which the person's name was written  
19 in; and

20 (d) no other candidate has filed a declaration or petition for nomination or a declaration of intent."

21 - END -