

1 SENATE BILL NO. 257

2 INTRODUCED BY J. BALYEAT

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 4 A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A CANDIDATE TO BE NOMINATED BY MORE THAN
 5 ONE PARTY; PROVIDING THAT IN THE GENERAL PARTISAN ELECTION, THE NAME OF THE CANDIDATE
 6 NOMINATED BY MORE THAN ONE PARTY MUST APPEAR ON THE BALLOT ONCE FOR EACH PARTY
 7 REPRESENTED BY THE CANDIDATE; PROVIDING THAT ALL VOTES FOR A MULTIPARTY CANDIDATE IN
 8 A GENERAL ELECTION BE TOTALED TO DETERMINE THE WINNER; SUBMITTING THE PROPOSED ACT
 9 TO THE QUALIFIED ELECTORS OF MONTANA; AMENDING SECTIONS 13-10-201 AND 13-12-203, MCA;
 10 REPEALING SECTION 13-10-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

13
 14 NEW SECTION. **Section 1. Counting votes for candidate nominated by more than one party.** In
 15 a general election, votes for an individual whose name appears on the ballot more than once, as provided in
 16 13-12-203, including votes cast for the individual as a write-in candidate, must be totaled. The aggregate number
 17 of votes received by the individual, irrespective of political affiliation, must be used in determining the winner of
 18 the election.

19
 20 **Section 2.** Section 13-10-201, MCA, is amended to read:
 21 **"13-10-201. Declaration for nomination.** (1) Each candidate in the primary election, except nonpartisan
 22 candidates filing under the provisions of Title 13, chapter 14, shall file a declaration for nomination with the
 23 secretary of state or election administrator. A candidate may not file for more than one public office. Each
 24 candidate for governor shall file a joint declaration for nomination with a candidate for lieutenant governor.

25 (2) A declaration for nomination must be filed in the office of:
 26 (a) the secretary of state for placement of a name on the ballot for the presidential preference primary,
 27 a congressional office, a state or district office to be voted for in more than one county, a member of the
 28 legislature, or a judge of the district court;
 29 (b) the election administrator for a county, municipal, precinct, or district office (other than a member of
 30 the legislature or judge of the district court) to be voted for in only one county.

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

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

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

10 (b) A person seeking nomination to the legislature shall provide the secretary of state with a street
11 address, legal description, or road designation to indicate the person's place of residence. If a candidate for the
12 legislature changes residence, the candidate shall, within 15 days after the change, notify the secretary of state
13 on a form prescribed by the secretary of state.

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

16 (6) (a) Except as provided in 13-10-211 and subsection (6)(b) of this section, a candidate's declaration
17 for nomination must be filed no sooner than 135 days before the election in which the office first appears on the
18 ballot and no later than 5 p.m., 75 days before the date of the primary election.

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

22 (7) A declaration for nomination form may be sent by facsimile transmission if a facsimile facility is
23 available for use by the election administrator or by the secretary of state, delivered in person, or mailed to the
24 election administrator or to the secretary of state."
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26 **Section 3.** Section 13-12-203, MCA, is amended to read:

27 **"13-12-203. Appearance of candidate's name and party designation on ballot.** (1) (a) Subject to
28 13-12-202 and except as provided in 13-10-209 ~~for nonpartisan offices and 13-10-303 for certain other~~
29 ~~candidates~~, in partisan elections, candidates' names must appear under the title of the office sought, with the
30 name of the party in not more than three words appearing opposite the name.

