62nd Legislature SB0257.01

1	SENATE BILL NO. 257
2	INTRODUCED BY J. BALYEAT
3	
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:
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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.
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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.

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(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. Unless filed electronically with the secretary of state, 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) (a) Except as provided in 13-10-211 and subsection (6)(b) of this section, a candidate's declaration 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.
- (b) For an election held pursuant to 13-1-104(1)(a) or 13-1-107(1), a candidate's declaration for nomination must be filed no sooner than 145 days before the election in which the office first appears on the ballot and no later than 5 p.m., 85 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 3. Section 13-12-203, MCA, is amended to read:

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



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1 (b) In a general partisan election, if an individual is a candidate representing more than one party, the 2 individual's name must appear once for each party for which the individual is the nominated candidate. 3 (2) Subject to 13-12-202, in nonpartisan elections, the candidates' names must appear under the title 4 of the office sought, with no description or designation appearing with the name unless partisan and nonpartisan 5 offices appear on the same ballot. In such a case, the names of nonpartisan candidates must appear with the 6 words "Nominated without party designation"." 7 8 NEW SECTION. Section 4. Repealer. The following section of the Montana Code Annotated is 9 repealed: 10 13-10-303. Nominations by more than one party. 11 12 NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 13, chapter 15, part 2, and the provisions of Title 13, chapter 15, part 2, apply to [section 1]. 13 14 NEW SECTION. Section 6. Effective date. [This act] is effective upon approval by the electorate. 15 16 17 NEW SECTION. Section 7. Submission to electorate. [This act] shall be submitted to the qualified 18 electors of Montana at the general election to be held in November 2012 by printing on the ballot the full title of 19 [this act] and the following: FOR allowing a candidate to be nominated by more than one party. 20 []21 [] AGAINST allowing a candidate to be nominated by more than one party. 22 - END -

