| 1 | SENATE BILL NO. 311 |
| 2 | INTRODUCED BY S. GALLUS |
| 3 | |

4    A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE TERMS OF OFFICE AND YEARS SERVED FOR

5    OFFICIALS ELECTED TO AND CANDIDATES SEEKING NOMINATION FOR OFFICES THAT ARE

6    CONSTITUTIONALLY TERM-LIMITED; EXTENDING RULEMAKING AUTHORITY; AND AMENDING SECTION

7    13-10-201, MCA."

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

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11           **Section 1.**  Section 13-10-201, MCA, is amended to read:

12           **"13-10-201. Declaration for nomination -- term limitations.** (1) Each candidate in the primary election,

13    except nonpartisan candidates filing under the provisions of Title 13, chapter 14, shall file a declaration for

14    nomination with the secretary of state or election administrator. A candidate may not file for more than one public

15    office. Each candidate for governor shall file a joint declaration for nomination with a candidate for lieutenant

16    governor.

17           (2)  A declaration for nomination must be filed in the office of:

18           (a)  the secretary of state for placement of a name on the ballot for the presidential preference primary,

19    a congressional office, a state or district office to be voted for in more than one county, a member of the

20    legislature, or a judge of the district court;

21           (b)  the election administrator for a county, municipal, precinct, or district office (other than a member of

22    the legislature or judge of the district court) to be voted for in only one county.

23           (3)  Each candidate shall sign the declaration and send with it the required filing fee or, in the case of an

24    indigent candidate, send with it the documents required by 13-10-203. Unless filed electronically with the

25    secretary of state, the declaration for nomination must be acknowledged by an officer empowered to acknowledge

26    signatures or by the officer of the office at which the filing is made.

27           (4)  The declaration, when filed, is conclusive evidence that the elector is a candidate for nomination by

28    the elector's party. For a partisan election, an elector may not file a declaration for more than one party's

29    nomination.

30           (5)  (a) The declaration for nomination must be in the form and contain the information prescribed by the

1    secretary of state.

2            (b)  A person seeking nomination to the legislature shall provide the secretary of state with a street

3    address, legal description, or road designation to indicate the person's place of residence. If a candidate for the

4    legislature changes residence, the candidate shall, within 15 days after the change, notify the secretary of state

5    on a form prescribed by the secretary of state.

6            (c)  The secretary of state and election administrator shall furnish declaration for nomination forms to

7    individuals requesting them.

8            (6)  (a) Except as provided in 13-10-211 and subsection (6)(b) of this section, a candidate's declaration

9    for nomination must be filed no sooner than 135 days before the election in which the office first appears on the

10   ballot and no later than 5 p.m., 75 days before the date of the primary election.

11           (b)   For an election held pursuant to 13-1-104(1)(a) or 13-1-107(1), a candidate's declaration for

12   nomination must be filed no sooner than 145 days before the election in which the office first appears on the ballot

13   and no later than 5 p.m., 85 days before the date of the primary election.

14           (7)  A declaration for nomination form may be sent by facsimile transmission if a facsimile facility is

15   available for use by the election administrator or by the secretary of state, delivered in person, or mailed to the

16   election administrator or to the secretary of state.

17           (8)  For the purposes of implementing Article IV, section 8, of the Montana constitution, the secretary of

18   state shall apply the following conditions:

19           (a)  A term of office for an official serving in the office and or a candidate seeking the office is considered

20   to begin on January 1 of the term for which the official is elected or the candidate seeks election and end on

21   December 31 of the term for which the official is elected or the candidate seeks election.

22           (b)  A year is considered to start on January 1 and end on the following December 31."

23                                                       - END -