

SENATE BILL NO. 311

INTRODUCED BY S. GALLUS, BRENDEN, ESSMANN, HAMLETT, JONES, KEANE, J. PETERSON,
TUTVEDT, C. WILLIAMS

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE TERMS OF OFFICE AND YEARS SERVED FOR
OFFICIALS ELECTED TO AND CANDIDATES SEEKING NOMINATION FOR OFFICES THAT ARE
CONSTITUTIONALLY TERM-LIMITED; EXTENDING RULEMAKING AUTHORITY; AND AMENDING SECTION
13-10-201, MCA."

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

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

"13-10-201. Declaration for nomination -- term limitations. (1) Each candidate in the primary election,
except nonpartisan candidates filing under the provisions of Title 13, chapter 14, shall file a declaration for
nomination with the secretary of state or election administrator. A candidate may not file for more than one public
office. Each candidate for governor shall file a joint declaration for nomination with a candidate for lieutenant
governor.

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

(a) the secretary of state for placement of a name on the ballot for the presidential preference primary,
a congressional office, a state or district office to be voted for in more than one county, a member of the
legislature, or a judge of the district court;

(b) the election administrator for a county, municipal, precinct, or district office (other than a member of
the legislature or judge of the district court) to be voted for in only one county.

(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.



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

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

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

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

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

15 (7) A declaration for nomination form may be sent by facsimile transmission if a facsimile facility is
16 available for use by the election administrator or by the secretary of state, delivered in person, or mailed to the
17 election administrator or to the secretary of state.

18 (8) For the purposes of implementing Article IV, section 8, of the Montana constitution, the secretary of
19 state shall apply the following conditions:

20 (a) A term of office for an official serving in the office and or a candidate seeking the office is considered
21 to begin on January 1 of the term for which the official is elected or the candidate seeks election and end on
22 December 31 of the term for which the official is elected or the candidate seeks election.

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

24 (c) "CURRENT TERM", AS USED IN ARTICLE IV, SECTION 8, OF THE MONTANA CONSTITUTION, MEANS THE TERM
25 FOR WHICH THE CANDIDATE SEEKING OFFICE IS FILING."

26 - END -