



EXHIBIT 14
DATE 01/16/2013
HB 120

American Civil Liberties Union
of Montana
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Dear Members of the House State Administration Committee,

The ACLU of Montana thanks Secretary McCulloch and Representative Ingraham for including within HB 120 a much-needed change to the filing deadline for independent candidates that is contained in MCA 13-10-503. However, we do respectfully request that an additional amendment be made to the language that is currently proposed. We would like to see the deadline pushed back a bit further to allow candidates to gather signatures on primary day and to mirror the deadline for independent presidential candidates.

Montana law creates a two-tier system for candidates seeking public office, in which major party affiliated candidates enjoy easier access to appearing on the ballot than do independent or minor party candidates seeking the same offices. MCA 13.10.501, *et seq.*, requires that any independent or minor party candidate who wishes to run for public office and appear on the general election ballot must file a petition for nomination. Under the current statute, such candidates must submit their nomination petition 75 days before the primary election date, which is typically more than 200 days before the general election. This scheme imposes severe and unjustified burdens on independent and minor party candidates. Candidates must decide whether or not they will run for office months before the general election and long before the party candidates are even decided. Consequently, potential candidates are required to collect a large number of signatures during the middle of winter.

To alleviate these burdens, and presumably to address a 2012 ruling in *Kelly v. McCulloch*, HB 120 moves this filing deadline to primary day. However, given how busy elections offices are at that time, as well as the fact that primary day itself offers independent and minor party candidates a prime opportunity for signature gathering, we suggest moving the deadline back even further than what is proposed in HB 120.

Specifically, the ACLU of Montana requests that Section 20 of HB 120, amending MCA 13-10-503, should be amended as follows to move the filing deadline closer to the general election. This suggested revision will also make the deadline mirror the deadline for independent presidential candidates and new parties. The suggested amendments to the language proposed in the bill are in bold:



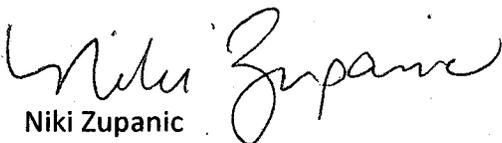
Section 20. Section 13-10-503, MCA, is amended to read:

"13-10-503. Filing deadlines. (1) A petition for nomination, ~~and~~ the affidavits of circulation required by 13-27-302, ~~accompanied by~~ and the required filing fee, must be filed with the same officer with whom other nominations for the office sought are filed. Petitions must be submitted, at least 1 week before the deadline for filing, to the election administrator in the county where the signer resides for verification and certification by the procedures provided in 13-27-303 through 13-27-306. ~~If there are insufficient signatures on the petition, additional signatures may be submitted before the deadline for filing.~~ If sufficient signatures are verified and certified pursuant to 13-10-502, the county election administrator shall file the petition for nomination with the same officer with whom other nominations for the office sought are filed.

(2) ~~Except as provided in 13-10-504, e~~Each petition for nomination, ~~accompanied by~~ and the required filing fee, must be filed ~~by the applicable deadline established in 13-10-201(6)(a) or (6)(b)~~ before the scheduled primary election or the filing deadline for the special or general election if a primary election is not scheduled by the deadline established in 13-10-504."

Again, we thank Secretary McCulloch and Representative Ingraham for including a change to MCA 13-10-503 in HB 120 and thank them and this committee considering a further revision to the filing deadline that is proposed in the bill.

Respectfully,



Niki Zupanic
Public Policy Director