



EXHIBIT 3  
DATE 02/13/2013  
HB 397

American Civil Liberties Union  
of Montana  
P.O. Box 1317  
Helena, MT 59624  
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Dear Members of the House State Administration Committee,

The ACLU of Montana strongly supports HB 397 and thanks Rep. Schwaderer for introducing this bill to provide some measure of parity for independent and minor party candidates by revising the filing deadline for independent and minor party candidates.

Montana law creates a two-tier system for candidates seeking public office, in which major party-affiliated candidates enjoy easier access to 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.

Earlier this session, this committee approved HB 120, the omnibus bill requested by the Secretary of State. As you may recall from our testimony on that bill, HB 120 contains a revision to the filing deadline contained in MCA 13-10-503. That revision was included in the bill to address a 2012 ruling in the case *Kelly v. McCulloch*, in which a federal court invalidated the current filing deadline, as described above. While we appreciated the Secretary and Chair Ingraham including that provision in HB 120, we respectfully requested that the deadline be pushed back a bit further than the pre-primary deadline provided for in HB 120.

Given how busy elections offices are right before the primary election, as well as the fact that primary day itself offers independent and minor party candidates a prime opportunity for signature gathering, we requested that the deadline be moved later into the campaign season. HB 397 responds to that request and reflects a compromise deadline that will provide independent candidates with a meaningful opportunity to collect signatures, while still respecting the workloads and deadlines of election officials.



Again, we thank Secretary McCulloch, Chair Ingraham, and Representative Schwaderer for addressing the deficiencies in the current filing deadline and respectfully urge the committee to approve the compromise revision to the filing deadline that is proposed in this bill.

Respectfully,

A handwritten signature in black ink, appearing to read "Niki Zupanic". The signature is written in a cursive, flowing style.

Niki Zupanic  
Public Policy Director