



Montana Secretary of State Linda McCulloch
House State Administration Hearing
April 15, 2013
SB 408 – Technical Issues:

Note: some of the technical issues we raised in House Bill 436 were addressed in Senate Bill 408. The following technical issues were not addressed:

- 1) **Section 20, page 17, line 27** refers to two individuals receiving the most votes advancing, but what if the office allows a vote for 2 (or more) candidates, as can happen in certain situations? Also, it does not specify how would this apply to Governor/Lt. Governor teams.
- 2) **Section 22, page 19, lines 6-10** allows, a wide breadth of options for listing party preference, including not restricting to an established party. Although it would direct the SOS office to adopt rules, it would leave the office without clear guidelines – could a person list “Shop at Wayne Miller Coins” as their party preference, as long as it fit the character limit? What about trademark issues? Email addresses/websites? Would this quickly become a free speech issue? This can have a huge impact on the ballot, depending on what type of party preference people might come up with.
- 3) **Section 30, page 25, line 16 and 21** introduce the idea of a person being “associated with” a party. If a person is “associated with” a party, does that mean that the person can choose not to list party preference? How is “associated with” defined? Although we think “associated with” means that a person **chooses a party that is not an established party (see 3 above)**, associated with should be defined so that there is no confusion.

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