

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO CANDIDATE FILING; REQUIRING
5 A CANDIDATE IN A PRIMARY ELECTION TO USE A LEGAL NAME WHEN FILING FOR OFFICE; REQUIRING
6 A CANDIDATE FOR THE LEGISLATURE TO SUBMIT THE SIGNATURES OF CERTAIN ELECTORS TO
7 ELECTION ADMINISTRATORS; REQUIRING ELECTION ADMINISTRATORS TO CERTIFY THE
8 SIGNATURES; PROVIDING EXCEPTIONS FOR INDIGENT, WRITE-IN, AND INDEPENDENT CANDIDATES;
9 REQUIRING THE SECRETARY OF STATE TO PRESCRIBE A PETITION DESIGN; AND AMENDING SECTION
10 13-10-201, MCA."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
14 NEW SECTION. **Section 1. Signatures required for nomination of candidate for member of the**
15 **legislature.** (1) Except as provided in subsection (5) and in addition to the declaration for nomination required
16 by 13-10-201, a candidate seeking election to the legislature shall file with the appropriate election administrator
17 a petition containing the signatures of 25 electors who reside within the legislative district to which the candidate
18 seeks election. If a candidate seeks election in a legislative district that includes more than one county, the
19 candidate shall submit the petition to the election administrator of each county in which the candidate collected
20 elector signatures.

21 (2) The signatures must be submitted to the appropriate election administrator at least 1 week prior to
22 the applicable deadline in 13-10-201(7) and must be certified to the secretary of state by the appropriate election
23 administrator using the procedure provided in 13-27-303 and 13-27-304.

24 (3) The name of a candidate may not appear on the official ballot for an election if the candidate fails to
25 submit the required number of valid signatures.

26 (4) The form of the petition must be prescribed by the secretary of state, and the secretary of state shall
27 furnish sample copies to the election administrators and on request to any individual. Each sheet of a petition
28 must contain signatures of electors residing in only one county.

29 (5) The provisions of this section do not apply to an indigent candidate filing under 13-10-203, a candidate
30 seeking to become a write-in candidate as provided in 13-10-211, or an independent candidate who files as



1 provided in Title 13, chapter 10, part 5.

2

3 **Section 2.** Section 13-10-201, MCA, is amended to read:

4 **"13-10-201. Declaration for nomination -- term limitations.** (1) Each candidate in the primary election,
5 except nonpartisan candidates filing under the provisions of Title 13, chapter 14, shall file a declaration for
6 nomination with the secretary of state or election administrator. Except for a candidate who files under 13-38-201,
7 a candidate may not file for more than one public office. Each candidate for governor shall file a joint declaration
8 for nomination with a candidate for lieutenant governor.

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

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

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

15 (3) Each candidate shall sign the declaration and send with it the required filing fee or, in the case of an
16 indigent candidate, send with it the documents required by 13-10-203. Unless filed electronically with the
17 secretary of state, the declaration for nomination must be acknowledged by an officer empowered to acknowledge
18 signatures or by the officer of the office at which the filing is made.

19 (4) The declaration for nomination must include an oath of the candidate that includes wording
20 substantially as follows: "I hereby affirm that I possess, or will possess within constitutional and statutory
21 deadlines, the qualifications prescribed by the Montana constitution and the laws of the United States and the
22 state of Montana." The candidate affirmation included in this oath is presumed to be valid unless proven otherwise
23 in a court of law.

24 (5) (a) The Except as provided in subsection (5)(b), the declaration, when filed, is conclusive evidence
25 that the elector is a candidate for nomination by the elector's party. For a partisan election, an elector may not
26 file a declaration for more than one party's nomination.

27 (b) In addition to the declaration for nomination, a candidate for the legislature shall file with the
28 appropriate election administrator the petition required by [section 1].

29 (6) (a) The declaration for nomination must be in the form and contain the information prescribed by the
30 secretary of state, including the requirement that the candidate provide the candidate's legal first and last name.

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

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

7 (7) (a) Except as provided in 13-10-211 and subsection (7)(b) of this section, a candidate's declaration
8 for nomination must be filed no sooner than 135 days before the election in which the office first appears on the
9 ballot and no later than 5 p.m., 75 days before the date of the primary election.

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

14 (8) A properly completed and signed declaration for nomination form may be sent by facsimile
15 transmission, electronically mailed, delivered in person, or mailed to the election administrator or to the secretary
16 of state.

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

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

23 (c) "Current term", as used in Article IV, section 8, of the Montana constitution, has the meaning provided
24 in 2-16-214."

25
26 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an
27 integral part of Title 13, chapter 10, part 2, and the provisions of Title 13, chapter 10, part 2, apply to [section 1].

28 - END -