

## HOUSE BILL NO. 242

INTRODUCED BY RIPLEY, HIMMELBERGER, EVERETT, K. PETERSON

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE DEADLINE FOR A WRITE-IN CANDIDATE TO FILE A DECLARATION OF INTENT ~~TO ENSURE THAT THE NAME OF THE WRITE-IN CANDIDATE WILL APPEAR ON ABSENTEE BALLOTS MADE AVAILABLE IN ADVANCE OF THE ELECTION~~; AMENDING SECTION 13-10-211, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

**Section 1.** Section 13-10-211, MCA, is amended to read:

**"13-10-211. Declaration of intent for write-in candidates.** (1) Except as provided in subsection (7), a person seeking to become a write-in candidate for an office in any election shall file a declaration of intent. The declaration of intent must be filed with the secretary of state or election administrator, depending on where a declaration of nomination for the desired office is required to be filed under 13-10-201, or with the school district clerk for a school district office. Except as provided in subsections (2) and (3), the declaration must be filed no later than 5 p.m. on the ~~15th~~ 10th day before the date established in UNDER 13-13-205 on which a paper ballot must be available for absentee voting for the election and must contain:

- (a) (i) the candidate's first and last names;
  - (ii) the candidate's initials, if any, used instead of a first name, or first and middle name, and the candidate's last name;
  - (iii) the candidate's nickname, if any, used instead of a first name, and the candidate's last name; and
  - (iv) a derivative or diminutive name, if any, used instead of a first name, and the candidate's last name;
  - (b) the candidate's mailing address;
  - (c) a statement declaring the candidate's intention to be a write-in candidate;
  - (d) the title of the office sought;
  - (e) the date of the election;
  - (f) the date of the declaration; and
  - (g) the candidate's signature.
- (2) A declaration of intent may be filed after the deadline provided for in subsection (1) but no later than 5 p.m. on the day before the election if, after the deadline prescribed in subsection (1), a candidate for the office

that the write-in candidate is seeking:

- (a) dies;
- (b) withdraws from the election; or
- (c) is charged with a felony offense.

(3) A person seeking to become a write-in candidate for a trustee position on a school board shall file a declaration of intent no later than 5 p.m. on the 26th day before the election.

(4) The secretary of state shall notify each election administrator of the names of write-in candidates who have filed a declaration of intent with the secretary of state. Each election administrator and school district clerk shall notify the election judges in the county or district of the names of write-in candidates who have filed a declaration of intent.

(5) A declaration of intent may be sent by facsimile transmission if a facsimile facility is available for use by the election administrator or by the secretary of state, delivered in person, or mailed to the election administrator or to the secretary of state.

(6) A declaration is not valid until the filing fee required pursuant to 13-10-202 is received by the secretary of state or the election administrator.

(7) The requirements in subsection (1) do not apply if:

- (a) an election is held;
- (b) a person's name is written in on the ballot;
- (c) the person is qualified for and seeks election to the office for which the person's name was written

in; and

(d) no other candidate has filed a declaration or petition for nomination or a declaration of intent."

**NEW SECTION. Section 2. Applicability.** [This act] applies to elections held after January 1, 2008.

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