

HOUSE BILL NO. 454

INTRODUCED BY S. FITZPATRICK

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING HOW A POLITICAL PARTY MAY SELECT COMMITTEE
5 REPRESENTATIVES FOR ELECTION PRECINCTS; AND AMENDING SECTIONS 13-10-201, 13-10-211,
6 13-38-201, AND 13-38-202, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 **Section 1.** Section 13-10-201, MCA, is amended to read:

11 **"13-10-201. Declaration for nomination -- term limitations.** (1) Each candidate in the primary election,
12 except nonpartisan candidates filing under the provisions of Title 13, chapter 14, shall file a declaration for
13 nomination with the secretary of state or election administrator. Except for a candidate ~~who files~~ under
14 13-38-201(4), a candidate may not file for more than one public office. Each candidate for governor shall file a
15 joint declaration for nomination with a candidate for lieutenant governor.

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

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

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

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

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

1 (5) The declaration, when filed, is conclusive evidence that the elector is a candidate for nomination by
2 the elector's party. For a partisan election, an elector may not file a declaration for more than one party's
3 nomination.

4 (6) (a) The declaration for nomination must be in the form and contain the information prescribed by the
5 secretary of state.

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

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

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

15 (b) For an election held pursuant to 13-1-104(1)(a) or 13-1-107(1) or for a political subdivision that holds
16 an election on the date of either of those elections, a candidate's declaration for nomination must be filed no
17 sooner than 145 days before the election in which the office first appears on the ballot and no later than 5 p.m.,
18 85 days before the date of the primary election.

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

22 (9) For the purposes of implementing Article IV, section 8, of the Montana constitution, the secretary of
23 state shall apply the following conditions:

24 (a) A term of office for an official serving in the office or a candidate seeking the office is considered to
25 begin on January 1 of the term for which the official is elected or for which the candidate seeks election and end
26 on December 31 of the term for which the official is elected or for which the candidate seeks election.

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

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

30

1 **Section 2.** Section 13-10-211, MCA, is amended to read:

2 **"13-10-211. Declaration of intent for write-in candidates.** (1) Except as provided in subsection (8),
3 a person seeking to become a write-in candidate for an office in any election shall file a declaration of intent.
4 Except for a candidate who files under 13-38-201(4), a candidate may not file for more than one public office. The
5 declaration of intent must be filed with the secretary of state or election administrator, depending on where a
6 declaration of nomination for the desired office is required to be filed under 13-10-201, or with the school district
7 clerk for a school district office. When a county election administrator is conducting the election for a school
8 district, the school district clerk or school district office that receives the declaration of intent shall notify the county
9 election administrator of the filing. Except as provided in subsections (2) and (3), the declaration must be filed
10 no later than 5 p.m. on the 10th day before the date established under 13-13-205 on which a ballot must be
11 available for absentee voting for the election and must contain:

- 12 (a) (i) the candidate's first and last names;
13 (ii) the candidate's initials, if any, used instead of a first name, or first and middle name, and the
14 candidate's last name;
15 (iii) the candidate's nickname, if any, used instead of a first name, and the candidate's last name; and
16 (iv) a derivative or diminutive name, if any, used instead of a first name, and the candidate's last name;
17 (b) the candidate's mailing address;
18 (c) a statement declaring the candidate's intention to be a write-in candidate;
19 (d) the title of the office sought;
20 (e) the date of the election;
21 (f) the date of the declaration; and
22 (g) the candidate's signature.

23 (2) A declaration of intent may be filed after the deadline provided for in subsection (1) but no later than
24 5 p.m. on the day before the election if, after the deadline prescribed in subsection (1), a candidate for the office
25 that the write-in candidate is seeking dies or is charged with a felony offense and if the election has not been
26 canceled as provided by law.

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

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

1 shall notify the election judges in the county or district of the names of write-in candidates who have filed a
2 declaration of intent.

3 (5) A properly completed and signed declaration of intent may be provided to the election administrator
4 or secretary of state:

5 (a) by facsimile transmission;

6 (b) in person;

7 (c) by mail; or

8 (d) by electronic mail.

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

11 (7) A write-in candidate who files a declaration of intent for a general election may not file with a partisan,
12 nonpartisan, or independent designation.

13 (8) Except as provided in 13-38-201~~(5)~~(4)(b), the requirements in subsection (1) do not apply if:

14 (a) an election is held;

15 (b) a person's name is written in on the ballot;

16 (c) the person is qualified for and seeks election to the office for which the person's name was written
17 in; and

18 (d) no other candidate has filed a declaration or petition for nomination or a declaration of intent."
19

20 **Section 3.** Section 13-38-201, MCA, is amended to read:

21 **"13-38-201. Election or appointment of committee representatives at primary -- vacancies -- tie**
22 **votes.** (1) ~~Except as provided in subsection (4), each~~ Each political party shall appoint or elect at each primary
23 election one person of each sex to serve as committee representatives for each election precinct. The committee
24 representatives must be residents and registered voters of the precinct.

25 ~~(2) An elector may be placed in nomination for precinct committee representative by a declaration of~~
26 ~~nomination, signed by the elector, notarized, and filed in the office of the county election administrator within the~~
27 ~~time for filing declarations naming candidates for nomination at the regular biennial primary election.~~

28 ~~(3) Except as provided in subsection (4), the names of candidates for precinct committee representative~~
29 ~~of each political party must appear on the party ticket in the same manner as other candidates and are voted for~~
30 ~~in the same manner as other candidates.~~

1 (2) If a political party chooses to appoint precinct committee representatives, the political party shall
 2 make the appointments as provided in the party's rules.

3 (3) If a political party chooses to elect precinct committee representatives, the party may:

4 (a) administer the election itself as provided in the party's rules; or

5 (b) elect precinct committee representatives in a primary election, subject to 13-10-209 and subsection

6 (4).

7 (4) If in a primary election for a precinct committee representative:

8 (a) if the number of candidates nominated for a party's precinct committee representatives is less than
 9 or equal to the number of positions to be elected, the election administrator may give notice that a party's precinct
 10 committee election will not be held in that precinct.

11 ~~(5)(b)~~ If if a party precinct committee election is not held pursuant to subsection (4)(a), the election
 12 administrator shall declare elected by acclamation the candidate who filed for the position or who filed a
 13 declaration of intent to be a write-in candidate. The election administrator shall issue a certificate of election to
 14 the designated party.

15 ~~(6)(c)~~ Write-in write-in votes for a precinct committee ~~representatives~~ representative may be counted
 16 as specified in 13-15-206(5) only if the individual whose name is written in has filed a declaration of intent as a
 17 write-in candidate by the deadline prescribed in 13-10-211(1).

18 ~~(7)(d)~~ In in the case of a tie vote for a precinct committee representative position, the county central
 19 committee shall determine a winner.

20 ~~(8)(5)~~ Pursuant to 13-38-101, a vacancy in a precinct committee representative position must be filled
 21 by the party governing body as provided in its rules."
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23 **Section 4.** Section 13-38-202, MCA, is amended to read:

24 **"13-38-202. Committee representatives as party representatives -- county and city central**
 25 **committees.** (1) Each committee representative shall represent the representative's political party for the precinct
 26 in all ward or subdivision committees formed.

27 (2) The committee representatives in each precinct constitute the county central committee of the
 28 respective political parties.

29 (3) Committee representatives who reside within the limits of a city are ex officio the city central
 30 committee of their respective political parties and have the power to make their own rules not inconsistent with

1 those of the county central committee. However, the county central committee has the power to fill vacancies in
2 the city central committee.

3 (4) Each precinct committee representative serves a term of 2 years from the date of election or
4 appointment pursuant to 13-38-201.

5 (5) If a vacancy occurs, the remaining members of the county committee may select a precinct resident
6 to fill the vacancy."

7 - END -