

HOUSE BILL NO. 326

INTRODUCED BY A. REDFIELD, Z. BROWN

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING A PERSON IN A SMALL COMMUNITY TO SERVE ON MORE THAN ONE SPECIAL PURPOSE DISTRICT BOARD; AMENDING SECTIONS 13-10-201, 13-10-211, 13-14-112, AND 13-14-113, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Service on more than one special purpose district board authorized in small communities -- definitions.** (1) In a small community a person may serve on more than one special purpose district board, regardless of whether the person is appointed or elected as provided by law.

(2)(A) A PERSON SEEKING ELECTION TO MORE THAN ONE SPECIAL PURPOSE DISTRICT BOARD MAY RUN FOR MORE THAN ONE POSITION ONLY IF THE PERSON RUNS UNOPPOSED FOR ALL POTENTIAL POSITIONS.

(B) IF A POSITION WAS UNOPPOSED AT THE TIME THE PERSON FILED FOR THE POSITION AND LATER BECOMES OPPOSED DURING THE COURSE OF AN ELECTION CAMPAIGN, THE PERSON RUNNING FOR MORE THAN ONE SPECIAL PURPOSE DISTRICT BOARD SHALL CHOOSE TO RUN FOR ONE PREFERRED SPECIAL PURPOSE DISTRICT BOARD AND WITHDRAW CANDIDACY FROM ALL OTHER SPECIAL PURPOSE DISTRICT BOARD POSITIONS.

~~(2)~~(3) For the purposes of this section, the following definitions apply:

(a) "Small community" means an area ~~where fewer than 500 people live in an area~~ that fully encompasses more than one special purpose district AND INCLUDES FEWER THAN 500 ELECTORS, AS DEFINED IN 13-1-101.

(b) "Special purpose district" has the meaning provided in 13-1-101.

(C) "UNOPPOSED" MEANS THE NUMBER OF CANDIDATES AT THE TIME OF THE ELECTION FOR EACH SPECIAL PURPOSE DISTRICT BOARD POSITION IS EQUAL TO OR LESS THAN THE NUMBER OF POSITIONS AVAILABLE ON EACH RESPECTIVE BOARD.

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

**"13-10-201. Declaration for nomination -- term limitations.** (1) Each candidate in the primary election, except nonpartisan candidates filing under the provisions of Title 13, chapter 14, shall file a declaration for

1 nomination with the secretary of state or election administrator. Except for a candidate under 13-38-201(4) or a  
2 candidate covered under [section 1], a candidate may not file for more than one public office. Each candidate for  
3 governor shall file a joint declaration for nomination with a candidate for lieutenant governor.

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

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

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

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

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

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

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

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

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

30 (7) Except as provided in 13-10-211, a candidate's declaration for nomination must be filed no sooner

1 than 145 days before the election in which the office first appears on the ballot and no later than 5 p.m., 85 days  
2 before the date of the primary election.

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

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

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

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

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

14

15 **Section 3.** Section 13-10-211, MCA, is amended to read:

16 **"13-10-211. Declaration of intent for write-in candidates.** (1) Except as provided in subsection (7),  
17 a person seeking to become a write-in candidate for an office in any election shall file a declaration of intent.  
18 Except for a candidate under 13-38-201(4) or a candidate covered under [section 1], a candidate may not file for  
19 more than one public office. The declaration of intent must be filed with the secretary of state or election  
20 administrator, depending on where a declaration of nomination for the desired office is required to be filed under  
21 13-10-201, or with the school district clerk for a school district office. When a county election administrator is  
22 conducting the election for a school district, the school district clerk or school district office that receives the  
23 declaration of intent shall notify the county election administrator of the filing. Except as provided in 13-1-403,  
24 13-1-503, 20-3-305(3)(b), and subsection (2) of this section, the declaration must be filed no later than 5 p.m. on  
25 the 10th day before the earliest date established under 13-13-205 on which a ballot must be available and must  
26 contain:

27 (a) the candidate's name, including:

28 (i) the candidate's first and last names;

29 (ii) the candidate's initials, if any, used instead of a first name, or first and middle name, and the  
30 candidate's last name;

- 1 (iii) the candidate's nickname, if any, used instead of a first name, and the candidate's last name; and  
2 (iv) a derivative or diminutive name, if any, used instead of a first name, and the candidate's last name;  
3 (b) the candidate's mailing address;  
4 (c) a statement declaring the candidate's intention to be a write-in candidate;  
5 (d) the title of the office sought;  
6 (e) the date of the election;  
7 (f) the date of the declaration; and  
8 (g) the candidate's signature.
- 9 (2) A declaration of intent may be filed after the deadline provided for in subsection (1) but no later than  
10 5 p.m. on the day before the election if, after the deadline prescribed in subsection (1), a candidate for the office  
11 that the write-in candidate is seeking dies or is charged with a felony offense and if the election has not been  
12 canceled as provided by law.
- 13 (3) The secretary of state shall notify each election administrator of the names of write-in candidates who  
14 have filed a declaration of intent with the secretary of state. Each election administrator shall notify the election  
15 judges in the county or district of the names of write-in candidates who have filed a declaration of intent.
- 16 (4) A properly completed and signed declaration of intent may be provided to the election administrator  
17 or secretary of state:
- 18 (a) by facsimile transmission;  
19 (b) in person;  
20 (c) by mail; or  
21 (d) by electronic mail.
- 22 (5) A declaration is not valid until the filing fee required pursuant to 13-10-202 is received by the  
23 secretary of state or the election administrator.
- 24 (6) A write-in candidate who files a declaration of intent for a general election may not file with a partisan,  
25 nonpartisan, or independent designation.
- 26 (7) Except as provided in 13-38-201(4)(b), the requirements in subsection (1) do not apply if:  
27 (a) an election is held;  
28 (b) a person's name is written in on the ballot;  
29 (c) the person is qualified for and seeks election to the office for which the person's name was written  
30 in; and

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

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3 **Section 4.** Section 13-14-112, MCA, is amended to read:

4 **"13-14-112. Declarations for nomination -- fee -- filing.** (1) Nonpartisan candidates shall file  
5 declarations for nomination as required by the primary election laws in a form prescribed by the secretary of state  
6 except as provided in 13-14-113. ~~A~~ Except for a candidate covered under [section 1], a candidate may not file  
7 for more than one public office.

8 (2) Declarations may not indicate political affiliation. The candidate may not state in the declaration any  
9 principles or measures that the candidate advocates or any slogans.

10 (3) Each individual filing a declaration shall pay the fee prescribed by law for the office that the individual  
11 seeks.

12 (4) Declarations must be filed:

13 (a) in the office of the secretary of state or the appropriate election administrator as provided in  
14 13-10-201; and

15 (b) within the filing period provided in 13-10-201(7) for the office that the individual seeks."

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17 **Section 5.** Section 13-14-113, MCA, is amended to read:

18 **"13-14-113. Filing for offices without salary or fees.** (1) Candidates for nonpartisan offices for which  
19 a salary or fees are not paid shall file with the appropriate official a petition for nomination or a declaration for  
20 nomination containing the information and the oath of the candidate required for a declaration of nomination in  
21 a form prescribed by the secretary of state.

22 (2) Petitions for nomination or declarations for nomination must be filed within the filing period provided  
23 in 13-10-201(7).

24 (3) ~~A~~ Except for a candidate covered under [section 1], a candidate may not file for more than one public  
25 office."

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27 NEW SECTION. **Section 6. Codification instruction.** [Section 1] is intended to be codified as an  
28 integral part of Title 7, chapter 1, part 2, and the provisions of Title 7, chapter 1, part 2, apply to [section 1].

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30 NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

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