

HOUSE BILL NO. 647

INTRODUCED BY D. HAYMAN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO QUALIFYING A
5 POLITICAL PARTY FOR PRIMARY ELECTIONS; ELIMINATING CERTAIN ALTERNATIVE SIGNATURE
6 THRESHOLDS FOR MINOR PARTY PETITIONS; PROVIDING SIGNATURE REQUIREMENTS; PROVIDING
7 PENALTIES; AND AMENDING SECTIONS 13-10-601, 13-27-102, 13-27-106, AND 13-27-210, MCA."

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

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11 **Section 1.** Section 13-10-601, MCA, is amended to read:
12 **"13-10-601. Parties eligible for primary election -- petitions by minor parties -- penalties.** (1) Each
13 political party that had a candidate for a statewide office in either of the last two general elections who received
14 a total vote that was 5% or more of the total votes cast for the most recent successful candidate for governor shall
15 nominate its candidates for public office, except for presidential electors, by a primary election as provided in this
16 chapter.

17 (2) (a) A political party that does not qualify to hold a primary election under subsection (1) may qualify
18 to nominate its candidates by primary election by presenting a petition, in a form prescribed by the secretary of
19 state, requesting the primary election.

20 (b) The petition must be signed by a number of registered voters equal to 5% or more of the total votes
21 cast for the successful candidate for governor at the last general election ~~or 5,000 electors, whichever is less.~~
22 The number must include the registered voters in more than one-third of the legislative districts equal to 5% or
23 more of the total votes cast for the successful candidate for governor at the last general election in those districts
24 ~~or 150 electors in those districts, whichever is less.~~

25 (c) Signatures must be gathered in accordance with 13-27-102.

26 ~~(e)(d)~~ At least 1 week before the deadline provided in subsection ~~(2)(d)~~ (2)(e), the petition and the
27 affidavits of circulation required by 13-27-302 must be presented to the election administrator of the county in
28 which the signatures were gathered to be verified under the procedures provided in 13-27-303 through 13-27-306.
29 A signature may be counted only as provided by 13-27-103.

30 ~~(d)(e)~~ The election administrator shall forward the verified petition to the secretary of state at least 85

1 days before the date of the primary.

2 (f) A person making a false entry on a petition or affidavit or signing the same petition twice is subject
 3 to the provisions of 13-27-106. A person interfering with the collection of signatures for a petition is subject to the
 4 provisions of 13-27-210."

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6 **Section 2.** Section 13-27-102, MCA, is amended to read:

7 **"13-27-102. Who may petition and gather signatures.** (1) A petition for the following matters ~~initiative,~~
 8 ~~the referendum, or to call a constitutional convention~~ may be signed only by a qualified elector of the state of
 9 Montana;

10 (a) an initiative;

11 (b) a referendum;

12 (c) to call a constitutional convention; and

13 (d) to qualify a political party's candidates for a primary election pursuant to 13-10-601(2).

14 (2) A person gathering signatures for ~~the initiative, the referendum, or to call a constitutional convention~~
 15 the matters described in subsection (1):

16 (a) must be a resident, as provided in 1-1-215, of the state of Montana; and

17 (b) may not be paid anything of value based upon the number of signatures gathered."

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19 **Section 3.** Section 13-27-106, MCA, is amended to read:

20 **"13-27-106. Violations -- penalties.** A person who knowingly does any of the following ~~makes a false~~
 21 ~~entry upon a petition or affidavit required by this chapter or who knowingly signs a petition to place the same issue~~
 22 ~~on the ballot at the same election more than once~~ is guilty of unsworn falsification or tampering with public records
 23 or information, as appropriate, and is punishable as provided in 45-7-203 or 45-7-208, as applicable;

24 (1) makes a false entry upon a petition or affidavit required by this chapter;

25 (2) makes a false entry upon a petition or affidavit required by 13-10-601(2);

26 (3) signs a petition to place the same issue on the ballot at the same election more than once; or

27 (4) signs a petition described by 13-10-601(2) to qualify the same political party's candidates for the
 28 same primary election more than once."

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30 **Section 4.** Section 13-27-210, MCA, is amended to read:

1 **"13-27-210. Physical prevention of obtaining signatures or physical intimidation of signature**
2 **gatherers prohibited.** A person may not knowingly or purposefully physically prevent an individual from obtaining
3 signatures or attempting to obtain signatures on a petition for a ballot issue or on a petition described in
4 13-10-601(2) or physically intimidate another individual when that individual is obtaining or attempting to obtain
5 signatures on a petition for a ballot issue or on a petition described in 13-10-601(2). A person who violates this
6 section is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500, by
7 imprisonment for not more than 90 days, or by both a fine and imprisonment."

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