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HOUSE BILL NO. 595

INTRODUCED BY S. KERNS, S. GUNDERSON, F. ANDERSON, C. KNUDSEN, S. GIST, K. ZOLNIKOV, S. ESSMANN, B. MITCHELL, P. FIELDER, L. SHELDON-GALLOWAY, L. BREWSTER, J. HINKLE, N. NICOL, A. REGIER, K. SEEKINS-CROWE, S. GALLOWAY, R. MARSHALL, J. READ, M. HOPKINS, G. OBLANDER, G. PARRY, M. YAKAWICH, B. USHER, B. GILLESPIE, C. GLIMM, J. ELLSWORTH, G. KMETZ, T. FALK, R. MINER, D. EMRICH, B. PHALEN, L. HELLEGAARD, N. DURAM, E. BUTCHER, N. HASTINGS

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING JUDICIAL ELECTION LAWS; PROVIDING FOR THE PARTISAN NOMINATION AND ELECTION OF SUPREME COURT JUSTICES; ALLOWING POLITICAL PARTY COMMITTEES TO CONTRIBUTE TO A CANDIDATE FOR SUPREME COURT JUSTICE; EXEMPTING INDEPENDENT CANDIDATES FOR SUPREME COURT JUSTICE FROM GATHERING SIGNATURES WITH A PETITION FOR NOMINATION; AMENDING SECTIONS 3-2-101, 3-10-201, 13-14-111, 13-14-211, 13-10-501, 13-10-502, 13-14-212, 13-14-213, AND 13-35-231, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

NEW SECTION. **Section 1. Form of ballot for supreme court justice retention election.** (1) If the only candidate for an office of supreme court justice or chief justice of the supreme court is the incumbent, the name of the incumbent must be placed on the official ballot for general election as follows:

Shall (insert title of officer) (insert name of the incumbent officer) of the supreme court of the state of Montana be retained in office for another term?

(2) Following the question, provision must be made, subject to rules adopted pursuant to 13-12-202, for a voter to indicate a "yes" or "no" vote. The form must include the incumbent's political party designation and may not include a write-in space for the office.

Section 2. Section 3-2-101, MCA, is amended to read:

"3-2-101. Number, nomination, election, and term of office. (1) The supreme court consists of a

1 chief justice and six associate justices who are elected by the qualified electors of the state at large at the
2 general state elections next preceding the expiration of the terms of office of their predecessors, respectively,
3 and hold their offices for the term of 8 years from and after the first Monday of January next succeeding their
4 election.

5 (2) A supreme court justice, including the chief justice, must be nominated and elected on a
6 partisan ballot provided for in Title 13, except that an incumbent justice who is the only candidate for the office
7 must be placed on the general election ballot as provided in Article VII, section 8, of the Montana constitution
8 and [section 1].

9 (3) Each vacancy for a supreme court justice is a separate and independent office for election
10 purposes. The chief justice of the supreme court shall assign an individual number to the justices and certify
11 these numbers to the secretary of state."

12
13 **Section 3.** Section 3-10-201, MCA, is amended to read:

14 **"3-10-201. Election.** (1) Except as provided in 3-10-206, each justice of the peace must be elected by
15 the qualified electors of the county at the general state election immediately preceding the expiration of the term
16 of office of the justice of the peace's predecessor.

17 (2) A justice of the peace must be nominated and elected on the nonpartisan judicial ballot in the
18 same manner as judges of the district court.

19 (3) Each judicial office must be a separate and independent office for election purposes, each
20 office must be numbered by the county commissioners, and each candidate for justice of the peace shall
21 specify the number of the office for which the candidate seeks to be elected. A candidate may not file for more
22 than one office.

23 (4) Section 13-35-231, prohibiting political party contributions to certain judicial officers, applies to
24 justices of the peace."

25

26 **Section 4.** Section 13-10-501, MCA, is amended to read:

27 **"13-10-501. Petition for nomination by independent candidates or political parties not eligible**
28 **to participate in primary election.** (1) Except as provided in 13-10-504, nominations for public office by an

1 independent candidate or a political party that does not meet the requirements of 13-10-601 may be made by a
2 petition for nomination.

3 (2) The petition must contain the same information and the oath of the candidate required for a
4 declaration for nomination.

5 (3) If a petition is filed by a political party, it must contain the party name and, in five words or less,
6 the principle that the body represents.

7 (4) The form of the petition must be prescribed by the secretary of state, and the secretary of state
8 shall furnish sample copies to the election administrators and on request to any individual.

9 (5) (a) Each~~Except as provided in subsection (5)(b), each~~ sheet of a petition must contain
10 signatures of electors residing in only one county.

11 (b) A petition filed by an independent candidate for supreme court justice is not required to have
12 signatures."

13

14 **Section 5.** Section 13-10-502, MCA, is amended to read:

15 **"13-10-502. Signature requirements for petition -- exception for supreme court candidates.** (1)
16 ~~The~~Except as provided in subsection (4), the petition for nomination must be signed by electors residing within
17 the state and district or political subdivision in which the officer or officers are to be elected. Each signature line
18 must contain spaces for the signature, post-office address, and printed last name of the signer.

19 (2) The number of signatures must be 5% or more of the total vote cast for the successful
20 candidate for the same office at the last general election.

21 (3) If the office sought is a new office or the boundaries of the district or political subdivision in
22 which the election is to be held have changed since the last election for the office, the officer with whom
23 nominations for the office sought are filed shall determine the number of signatures required for a petition of
24 nomination for that office.

25 (4) An independent candidate for supreme court justice is not required to submit signatures with
26 the petition for nomination."

27

28 **Section 6.** Section 13-14-111, MCA, is amended to read: