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SENATE BILL NO. 565
INTRODUCED BY G. HERTZ

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO PRIMARY ELECTIONS AND NOMINATIONS; REVISING THE SIGNATURE GATHERING REQUIREMENTS FOR INDEPENDENT CANDIDATES SEEKING NOMINATION TO PUBLIC OFFICE; REVISING THE SIGNATURE REQUIREMENTS FOR MINOR PARTIES SEEKING TO NOMINATE CANDIDATES BY PRIMARY ELECTIONS; REVISING THE TOTAL VOTE REQUIRED FOR A POLITICAL PARTY TO QUALIFY AUTOMATICALLY FOR A PRIMARY ELECTION; AMENDING SECTIONS 13-10-502, 13-10-504, 13-10-601, AND 13-10-606, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 13-10-502, MCA, is amended to read:

"13-10-502. Signature requirements for petition -- signature-gathering fee. (1) The petition for nomination must be signed by electors residing within the state and district or political subdivision in which the officer or officers are to be elected. Each signature line must contain spaces for the signature, post-office address, and printed last name of the signer.

(2) The number of signatures must be 5% or more of ~~the total vote cast for the successful candidate for the same office at the last general election~~ the total registered voters of the state and district or political subdivision in which the officer or officers are to be elected.

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

(4) Before circulating petition sheets to gather signatures, the candidates or political party shall pay a \$15 signature-gathering fee to the secretary of state."

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2 **Section 2.** Section 13-10-504, MCA, is amended to read:

3 **"13-10-504. Independent or minor party candidates for president or vice president.** (1) An
4 individual who desires to run for president or vice president as an independent candidate or as a candidate of a
5 party not qualified under 13-10-601 shall:

6 (a) _____ file a petition for nomination with the secretary of state 76 days prior to the date of the general
7 election; and

8 (b) _____ before circulating petition sheets to gather signatures, pay a \$15 signature-gathering fee to the
9 secretary of state.

10 (2) The petition and the affidavits of circulation required by 13-27-302 must first be submitted, at
11 least 1 week before the deadline for filing, to the election administrator in the county where the signer resides
12 for verification and certification by the procedures provided in 13-27-303 through 13-27-306.

13 (3) The petition must have the signatures of electors equal to 5% or more of the ~~total votes cast for~~
14 ~~the successful candidate for governor at the last general election or 5,000 electors, whichever is less~~ total
15 registered voters of the state. The names of the candidates for the required number of presidential electors
16 allowable to Montana must be certified to the secretary of state no later than 76 days before the general
17 election.

18 (4) A qualified independent presidential candidate may amend the petition and designate or
19 choose a named vice presidential candidate until the filing date provided in 13-25-101."

20

21 **Section 3.** Section 13-10-601, MCA, is amended to read:

22 **"13-10-601. Parties eligible for primary election -- petitions by minor parties.** (1) Each political
23 party that had a candidate for a statewide office in either of the last two general elections who received a total
24 vote that was 5% or more of the total ~~votes cast for the most recent successful candidate for governor~~
25 registered voters of the state shall nominate its candidates for public office, except for presidential electors, by a
26 primary election as provided in this chapter.

27 (2) After certification of a petition by the secretary of state under 13-10-610(1), a political party that
28 does not qualify to hold a primary election under subsection (1) shall nominate its candidates for public office by

1 primary election. However, this section may not be construed to prohibit an election administrator from not
 2 preparing a primary election ballot pursuant to 13-10-209."

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4 **Section 4.** Section 13-10-606, MCA, is amended to read:

5 **"13-10-606. Submission and form of minor party petition -- signature-gathering fee.** (1) (a) Any
 6 elector may present a petition to the secretary of state to request that a political party that does not qualify to
 7 hold a primary election under 13-10-601(1) may qualify to nominate its candidates by primary election.

8 (b) The petition must be in the form prescribed by the secretary of state.

9 (2) The petition must be signed by a number of registered voters equal to 5% or more of the total
 10 ~~votes cast for the successful candidate for governor at the last general election or 5,000 electors, whichever is~~
 11 ~~less~~ registered voters of the state. The number must include the registered voters in at least one-third of the
 12 legislative districts equal to 5% or more of the total ~~votes cast for the successful candidate for governor at the~~
 13 ~~last general election~~ registered voters in those districts ~~or 150 electors in those districts, whichever is less.~~

14 (3) Signed sheets or sections of petitions with original signatures and the affidavits of circulation as
 15 provided in 13-10-607 must be submitted to the official responsible for registration of electors in the county in
 16 which the signatures were obtained no sooner than 9 months and no later than 4 weeks before the final date for
 17 filing the petition with the secretary of state as provided in 13-10-609(2). Before circulating petition sheets to
 18 gather signatures, the elector seeking to qualify a minor party using the petition process shall pay a \$15
 19 signature-gathering fee to the secretary of state.

20 (4) (a) An elector may withdraw the elector's signature from a petition under this part until the final
 21 submission of petition sheets as provided in subsection (3).

22 (b) The county election administrator may consider an elector's request for an elector's name to be
 23 withdrawn only after verification that the elector requesting to be withdrawn from the petition is the same elector
 24 who signed the petition."

25

26 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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28 NEW SECTION. Section 6. Applicability. [This act] applies to petitions distributed and submitted for

1 elections held after December 31, 2023.

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