

1 *House* BILL NO. *526*
2 INTRODUCED BY *Bartleson Krupp Johnston*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTIONS
5 23-3308 AND 23-3511, R.C.M. 1947, TO DELETE REFERENCE TO A
6 ROTATION SYSTEM OF CANDIDATE NAME ARRANGEMENT; PROVIDING A
7 SYSTEM OF CANDIDATE NAME ARRANGEMENT ON THE BALLOT DRAWN BY
8 LOT; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE."

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

11 Section 1. Section 23-3308, R.C.M. 1947, is amended to
12 read as follows:

13 "23-3308. Ballots, how arranged and voted. (1) At the
14 primary, there shall be a ballot for each political party
15 entitled to participate. Each ballot shall be printed on a
16 separate sheet of white paper of the same size, folded, and
17 securely fastened at the top.

18 ~~(2)-Candidates' names shall be arranged--alphabetically~~
19 ~~by--surnames,--under--the--offices--and--under--the--proper--party~~
20 ~~designation. The names of the candidates--for--governor--and~~
21 ~~lieutenant--governor--shall--be--arranged--by--the--surname--of--the~~
22 ~~candidate--for--governor. When two (2)--or--more--persons--are~~
23 ~~candidates--for--nomination--for--the--same--office, the registrar~~
24 ~~shall--divide--the--ballot--to--provide--a--rotation--of--the--names~~
25 ~~of--the--candidates--as--follows:~~

1 ~~(a)-Divide all county ballot forms into sets--equal--in~~
2 ~~number--to--the--greatest--number--of--candidates--for--nomination~~
3 ~~or--election--to--any--office;~~

4 ~~(b)-Arrange the sets--so--that--candidates' names--are~~
5 ~~rotated--by--removing--one--name--from--the--top--of--the--list--for~~
6 ~~each--nomination--or--office--and--place--the--name--or--number--at~~
7 ~~the--bottom--of--the--list--for--each--successive--set--of--ballot~~
8 ~~forms; however, in printing ballots for use in any--one--(1)~~
9 ~~precinct,--only--one--(1)--set--shall--be--used--and--they--shall--be~~
10 ~~identical;~~

11 (2) Candidates' names shall be arranged in an order to
12 be determined by a draw by lot, under the offices, and under
13 the proper party designation. The draw by lot shall be
14 conducted by the registrar not less than thirty (30) days
15 before the date of the primary election and as soon as
16 possible following the close of nominations and receipt of
17 the certified list of candidates from the office of the
18 secretary of state, and in the following manner:

19 (a) Considering each office separately, the registrar
20 shall assign a number to each candidate in each office
21 wherein there are two (2) or more nominees or candidates,
22 and the number of each candidate so situated shall be
23 written, typed, or stamped on paper or other suitable
24 material and enclosed in separate black capsules, identical
25 in all respects, and placed in a box of ample size to permit

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1 the capsules to be thoroughly mixed. The registrar shall
 2 then proceed to thoroughly mix the capsules in the box and
 3 draw the capsules one at a time. The order in which the
 4 nominee's or candidate's number is drawn determines his or
 5 her place on the ballot in the office for which he or she is
 6 a candidate, beginning at the top.

7 (b) For the purpose of placement on the ballot, the
 8 offices of governor and lieutenant governor shall be
 9 considered as a group under the number of the nominee for
 10 governor, and under a party designation.

11 (c) Not less than ten (10) days prior to the date set
 12 for the draw, each major and minor party presenting
 13 candidates for nomination shall be notified, and public
 14 notice shall be given by means of newspaper, radio, or
 15 television of the time and place of the draw for relative
 16 positions on the ballot. Each party shall be entitled to
 17 have a representative, appointed by the county central
 18 committee, present at the draw by lot. The county
 19 commissioners shall also be present at the draw.

20 ~~(e)~~ (d) If an elector writes the name of a person upon
 21 a ballot, and the person's name appears as a candidate upon
 22 another ballot, the ballot shall count for the person only
 23 as a candidate of the party upon whose ticket his name is
 24 written;

25 ~~(e)~~ (3) If a person is nominated upon more than one

1 (1) ticket, not later than ten (10) days after the election
 2 he shall file written notification with the secretary of
 3 state, registrar, or city clerk the party under which his
 4 name is to appear upon the ballot for the general election,
 5 and, if he fails to notify the proper officers, his name
 6 shall appear under the party with whom his nominating
 7 declaration was first filed;

8 ~~(e)~~ (4) If a person fails to be nominated upon the
 9 party ticket contained in his nominating declaration, his
 10 name shall not be printed upon any ballot with party
 11 designation;

12 ~~(f)~~ (5) This act does not preclude an elector from
 13 having his name printed upon the ballot as an independent
 14 candidate, and no candidate shall have his name printed on
 15 more than one (1) ticket.

16 ~~(g)~~ (6) Ballots shall be printed on white paper in the
 17 form of the Australian ballot and the candidates of each
 18 party shall be printed on a separate ticket.

19 ~~(h)~~ (7) After preparing his ballot, the elector shall
 20 detach it from the remaining tickets and fold it so that the
 21 face is concealed and the official stamp is seen.

22 (a) The elector shall fold the remaining tickets, vote
 23 the marked ballot without leaving the polling place, and
 24 deposit the remaining tickets in a separate box marked as
 25 the blank ballot box;

1 (b) Immediately after the recount period, the election
2 judges shall, without examination, destroy the tickets
3 deposited in the blank ballot box."

4 Section 2. Section 23-3511, R.C.M. 1947, is amended to
5 read as follows:

6 "23-3511. Arrangement of names -- ~~rotation on ballot~~
7 ballot prepared by draw by lot. ~~{1} The candidates' names~~
8 ~~shall be arranged alphabetically on the ballot according to~~
9 ~~surnames under the appropriate title of the respective~~
10 ~~offices.~~

11 ~~{2} (1)~~ The candidates of the two (2) major parties
12 shall appear on the ballot before and above candidates of
13 minor parties and independent candidates.

14 ~~{3} (2)~~ The parties whose candidates for governor,
15 except independent candidates, received the highest number
16 of votes at the next preceding four (4) general elections
17 shall constitute the two (2) major political parties.

18 ~~{4} (3)~~ If there is a tie in the number of first or
19 second place votes, the determination shall be made by going
20 back to enough preceding elections to break the tie and no
21 further.

22 ~~{5} (4)~~ All other candidates shall be designated as
23 either independent candidates or as belonging to minor
24 parties.

25 ~~{6} If two (2) or more persons are candidates for~~

1 ~~election to the same office, the registrar shall divide the~~
2 ~~ballot forms into sets to provide a substantial rotation of~~
3 ~~the names of candidates as follows:~~

4 ~~{a} He shall divide the whole number of ballot forms~~
5 ~~for the county into sets equal in number to the greatest~~
6 ~~number of candidates for any office;~~

7 ~~{b} He shall arrange the sets so that the names of the~~
8 ~~candidates beginning with a form arranged in alphabetical~~
9 ~~order, are rotated by removing one (1) name from the top of~~
10 ~~the list for each office and placing the name or number at~~
11 ~~the bottom of the list for each successive set of ballot~~
12 ~~forms;~~

13 ~~{c} For the purposes of rotation, the office of~~
14 ~~president and vice-president shall be considered as a group;~~

15 ~~{d} No more than one (1) of the sets shall be used in~~
16 ~~printing the ballot for use in any one (1) precinct, and all~~
17 ~~ballots furnished for use in any precinct shall be~~
18 ~~identical;~~

19 ~~{e} Candidates of the two (2) major parties shall be~~
20 ~~rotated so they appear on the ballot before and above any~~
21 ~~candidates of the minor parties or independent candidates.~~

22 {a} For the purpose of placement on the ballot, the
23 office of president and vice-president shall be considered
24 as a group, and the office of governor and lieutenant
25 governor shall be considered as a group, under party

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1 designations.

2 (5) Candidates' names shall be arranged on the ballots
 3 in an order to be determined by a draw by lot, under the
 4 offices and under party designation. The draw by lot shall
 5 be conducted by the registrar not less than thirty (30) days
 6 before the date of the general election in the following
 7 manner:

8 (a) Considering each office separately, the registrar
 9 shall assign a number to each candidate in each office
 10 wherein there are two (2) or more candidates, and the number
 11 of each candidate so situated shall be written, typed, or
 12 stamped on paper or other suitable material and enclosed in
 13 separate black capsules, identical in all respects, and
 14 placed in a box of ample size to permit the capsules to be
 15 thoroughly mixed. The registrar shall then proceed to
 16 thoroughly mix the capsules in the box and draw the capsules
 17 one at a time. The order in which each candidate's number
 18 is drawn shall determine his place on the ballot in the
 19 office for which he is a candidate, beginning at the top.

20 (b) Not less than ten (10) days prior to the date set
 21 for the draw, each major and minor party presenting
 22 candidates for election shall be notified and public notice
 23 given by means of newspaper, radio, or television of the
 24 time and place where the draw for relative positions on the
 25 ballot will be held. Each major and minor party shall be

1 entitled to have a representative, appointed by the county
 2 central committee, present at the draw by lot.

3 (6) The registrar shall have the ballot printed so
 4 that, within a county, all ballots furnished for the
 5 precincts within a representative district are identical,
 6 and that all ballots furnished for the precincts within a
 7 portion of a representative district are identical.

8 (7) If any provision of this act or its application to
 9 any person or circumstances is held to be invalid, the
 10 remainder of the act or the application of the provisions to
 11 other persons or circumstances is not affected."

12 Section 3. This act is effective on its passage and
 13 approval.

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