

1                    SENATE BILL NO. 15  
 2 INTRODUCED BY ROBERTS

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION  
 5 23-3304, R.C.M. 1947, TO PROVIDE AN ALTERNATIVE MEANS OF  
 6 BALLOT ACCESS TO CANDIDATES WHO CANNOT AFFORD TO PAY FILING  
 7 FEES."

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

10        Section 1. Section 23-3304, R.C.M. 1947, is amended to  
 11 read as follows:

12        "23-3304. Declaration of nomination -- filing -- fees  
 13 -- printing of victorious write-in candidates on general  
 14 election ballot. (1) Each candidate in the primary election,  
 15 shall send a declaration of nomination to the secretary of  
 16 state, registrar, or city clerk. Each candidate for  
 17 governor must send a joint declaration of nomination with a  
 18 candidate for lieutenant governor.

19        (2) Each candidate must sign the declaration and send  
 20 with it the required filing fee, ~~to~~ or in the case of a  
 21 candidate who cannot afford the filing fee, send with it the  
 22 documents required in lieu of a filing fee. The declaration  
 23 of nomination shall be acknowledged by a notary public if by  
 24 mail, or by the officer of the office at which the filing is  
 25 made.

1            (3) The declaration, when filed, is conclusive  
 2 evidence that the elector is a candidate for nomination by  
 3 his party.

4            (4) Nominating declarations are filed:

5            (a) In the office of secretary of state for  
 6 congressional offices, state or district offices to be voted  
 7 for in more than one (1) county, members of the legislative  
 8 assembly, and judges of the district court;

9            (b) In the office of the registrar for county and  
 10 district offices to be voted for in one (1) county only, and  
 11 for township and precinct offices;

12            (c) In the office of the city clerk for all city  
 13 officers.

14            (5) Filing fees are as follows:

15            (a) For offices having a salary of one thousand  
 16 dollars (\$1,000) or less per annum, ten dollars (\$10),  
 17 except candidates for the legislature must pay fifteen  
 18 dollars (\$15);

19            (b) For offices having a salary of more than one  
 20 thousand dollars (\$1,000) per annum, one per cent (1%) of  
 21 the total annual salary;

22            (c) For the offices of county commissioner;

23            (i) in counties of the first class, forty dollars  
 24 (\$40),

25            (ii) in counties of the second class, thirty-five

1 dollars (\$35),

2 (iii) in counties of the third class, thirty dollars

3 (\$30),

4 (iv) in counties of the fourth class, twenty-five

5 dollars (\$25),

6 (v) in counties of other classes, ten dollars (\$10);

7 (d) For offices in which compensation is paid in fees,

8 five dollars (\$5);

9 (e) For state, county, and precinct committeemen,

10 delegates to national conventions, and presidential

11 electors, no fees are required.

12 (6) A person nominated by having his name written in

13 on the primary ballot and desiring to accept the nomination

14 shall not have his name printed on the general election

15 ballot unless he:

16 (a) Files with the secretary of state, registrar, or

17 city clerk, at least ten (10) days after the primary a

18 written declaration indicating his acceptance of the

19 nomination;

20 (b) Pays the required filing fee;

21 (c) Received at least five per cent (5%) of the votes

22 cast for the office at the last preceding general election.

23 (7) Indigent candidates. If a person is unable to pay

24 a filing fee, the filing officer shall accept the following

25 documents in lieu of a filing fee:

1 (a) from a write-in candidate, a verified statement

2 that he is unable to pay the filing fee.

3 (b) from a candidate for nomination, a verified

4 statement that he is unable to pay the filing fee and a

5 written petition for nomination as a candidate that meets

6 the following requirements:

7 (i) contains the name of the office to be filled, the

8 candidate's name, residence, occupation and business

9 address;

10 (ii) is signed by five percent (5%) or more of the

11 total vote cast for the successful candidate for the same

12 office at the next preceding general election; and

13 (iii) is signed by electors residing within the

14 political division of the state in which the candidate

15 petitions for nomination.

16 ~~(7)~~-(8) The declaration for nomination shall be in

17 form and contain information, prescribed by the secretary of

18 state. Every declaration must be signed by the elector

19 seeking nomination."

-End-

S.B. 15

Approved by Committee  
on State Administration

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(3) The declaration, when filed, is conclusive  
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(4) Nominating declarations are filed:

(a) In the office of secretary of state for  
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(i) in counties of the first class, forty dollars  
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THIRD READING

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