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INTRODUCED BY Senate BILL NO. 361
Blacklock Foster

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS 23-3006, 23-3308, 23-3804 AND 23-3903, R.C.M. 1947, TO PROVIDE FOR PARTY REGISTRATION AND FOR A CLOSED PRIMARY; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 23-3006, R.C.M. 1947, is amended to read as follows:

"23-3006. Method of registering--absent electors in the United States service--felony provisions. (1) An elector may register by appearing before the registrar or deputy registrar in the county in which he resides and by:

(a) Answering any questions asked by the registrar concerning items of information called for by registry cards;

(b) Signing and verifying or affirming the affidavit or affidavits on the back of the card.

(2) (a) In addition to the requirements called for in subsections (1) (a) and (1) (b), all electors must complete a party designation card containing the following information: full name, birthdate, address, and party designation.

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(b) In completing the party designation portion of the card, the elector must choose from one (1) of the following: "Democratic Party", "Republican Party", "Other designated party", or "Independent".

(c) After July 1, 1975, all electors registering to vote, except those excluded by subsection (d), shall complete the registration and party designation cards.

(d) The registration cards of all electors properly registered prior to July 1, 1975, remain valid. However, before any such elector may vote in any election after July 1, 1975, he must complete the party designation card. The party designation card may be completed at the time the elector appears to vote.

(e) The elector may change his party designation at any time by executing a new party designation card.

(f) In addition to the elector's name and address, his party designation shall appear on the printed lists of electors published by the county clerks and recorders prior to all elections and on the precinct register.

(g) The secretary of state shall design the party designation card. All registrars shall print party designation cards that conform to the design prepared by the secretary of state.

~~(2)~~ (3) Any elector in the United States service who is absent from the state and the county of which he is a

1 resident may register by:

2 (a) Mailing the registry card filled out and signed
3 under oath to the registrar, or

4 (b) Mailing the federal post card application filled
5 out and signed under oath to the registrar.

6 ~~(2)~~ (4) A person is guilty of a felony and upon
7 conviction shall be imprisoned in the state prison for not
8 less than one (1) nor more than three (3) years, if:

9 (a) He falsely personates another and causes the
10 person so personated to be registered; or,

11 (b) Falsely represents his name or other information
12 required by registration to any registrar or deputy
13 registrar and causes his name to be registered; or,

14 (c) Causes any name to be placed upon the registry
15 lists other than in the manner provided by this act."

16 Section 2. Section 23-3308, R.C.M. 1947, is amended to
17 read as follows:

18 "23-3308. Ballots, how arranged and voted. (1) At the
19 primary, there shall be a ballot for each political party
20 entitled to participate. Each ballot shall be printed on a
21 separate sheet of white paper of the same size, ~~folded, and~~
22 ~~securely fastened at the top.~~

23 (2) The elector may only vote the ballot that contains
24 the names of candidates for office of the political party he
25 has selected on his party designation card under section

1 23-3006 (2). If there is no ballot for the party the
2 elector has designated under section 23-3006, the elector
3 may vote of his choosing from among those available. The
4 election judges shall keep a record of the elector's choice
5 of ballot.

6 (3) Election judges must have party designation cards
7 available for those electors who wish to execute one under
8 the provisions of section 23-3006 (2) (d), or (2) (e).

9 ~~(2)~~ (4) Candidates' names shall be arranged
10 alphabetically by surnames, under the offices and under the
11 proper party designation. The names of the candidates for
12 governor and lieutenant governor shall be arranged by the
13 surname of the candidate for governor. When two (2) or more
14 persons are candidates for nomination for the same office,
15 the registrar shall divide the ballot to provide a rotation
16 of the names of the candidates as follows:

17 (a) Divide all county ballot forms into sets equal in
18 number to the greatest number of candidates for nomination
19 or election to any office;

20 (b) Arrange the sets so that candidates' names are
21 rotated by removing one name from the top of the list for
22 each nomination or office and place the name or number at
23 the bottom of the list for each successive set of ballot
24 forms; however, in printing ballots for use in any one (1)
25 precinct, only one (1) set shall be used and they shall be

1 identical;

2 ~~(e)~~ (5) If an elector writes the name of a person upon
3 a ballot, and the person's name appears as a candidate upon
4 another ballot, the ballot shall count for the person only
5 as a candidate of the party upon whose ticket his name is
6 written.

7 ~~(d)~~ (6) If a person is nominated upon more than one
8 (1) ticket, not later than ten (10) days after the election
9 he shall file written notification with the secretary of
10 state, registrar, or city clerk the party under which his
11 name is to appear upon the ballot for the general election,
12 and, if he fails to notify the proper officers, his name
13 shall appear under the party with whom his nominating
14 declaration was first filed.

15 ~~(e)~~ (7) If a person fails to be nominated upon the
16 party ticket contained in his nominating declaration, his
17 name shall not be printed upon any ballot with party
18 designation.

19 ~~(f)~~ (8) This act does not preclude an elector from
20 having his name printed upon the ballot as an independent
21 candidate, and no candidate shall have his name printed on
22 more than one (1) ticket.

23 ~~(g)~~ (9) Ballots shall be printed on white paper in the
24 form of the Australian ballot and the candidates of each
25 party shall be printed on a separate ticket.

1 ~~(4)~~ (10) After preparing his ballot, the elector shall
2 ~~detach-it-from-the-remaining-tickets-and~~ fold it so that the
3 face is concealed and the official stamp is seen.

4 ~~(a)~~ The elector shall then ~~fold-the-remaining--tickets~~
5 vote the marked ballot without leaving the polling place
6 and by deposit depositing ~~the-remaining--tickets~~ it in a
7 ~~separate-box-marked-as~~ the blank ballot box.

8 ~~(b)--Immediately-after-the-recount-period,-the-election~~
9 ~~judges--shall--without--examination,-destroy--the--tickets~~
10 ~~deposited-in-the-blank-ballot-box."~~

11 Section 3. Section 23-3804, R.C.M. 1947, is amended to
12 read as follows:

13 "23-3804. Preparation of machines for use. (1) The
14 registrar or city clerk shall put the proper ballots upon
15 each voting machine corresponding with the sample ballots.
16 The registrars or city clerks shall also:

17 (a) Set, adjust, and put the machines in order;

18 (b) Deliver the machines to the precincts together
19 with necessary furniture and appliances;

20 (c) Place a shield painted black and marked "not in
21 use" over the keys or levers not in use on the voting
22 machine.

23 (2) In primary elections a separate ~~row-or-column~~
24 machine shall be assigned to each ~~political--party--and--at~~
25 ~~least-one-(1)-row-shall-separate-the-rows-assigned-to~~ of the

1 two (2) major political parties. Each machine shall have a
 2 row or column to This-row-shall be used for the nonpartisan
 3 judicial ballot.

4 (3) In general elections the ballot shall be arranged
 5 and the names of the candidates rotated to conform as nearly
 6 as possible to the requirements for paper ballots.

7 (4) Candidates of the two (2) major parties shall be
 8 rotated between the first two (2) horizontal rows or
 9 vertical columns, and candidates of minor parties and
 10 independent candidates shall be rotated between succeeding
 11 rows or columns.

12 (5) The party designation of each candidate shall
 13 appear below his name in type as large as machine design
 14 will allow.

15 (6) The judicial ballot shall appear in the first two
 16 (2) horizontal or vertical rows or columns as prescribed by
 17 section 23-3513.

18 (7) The election judges shall compare the ballots on
 19 the machine with sample ballots, ensure that all counters
 20 are set at zero and the machine is in order. They shall not
 21 thereafter permit the machine to be operated or moved except
 22 by electors voting. They shall also see that arrangements
 23 are made for voting write-in ballots on the machine, if the
 24 machine is so arranged."

25 Section 4. Section 23-3903, R.C.M. 1947, is amended to

1 read as follows:

2 "23-3903. Use of electronic voting systems--paper
 3 ballots may be used upon request. (1) Electronic voting
 4 systems may be used in elections, after approval as provided
 5 by law, provided that such systems enable the voter to cast
 6 a vote in secrecy for all offices and all measures on which
 7 he is entitled to vote, and that the automatic tabulating
 8 equipment may be set to reject all votes for any office or
 9 measure when the number of votes therefor exceeds the number
 10 which the voter is entitled to cast, or when the voter is
 11 not by law entitled to cast a vote for the office or
 12 measure.

13 (2) Electronic voting systems may be used at primary
 14 elections provided the voter can ~~secretly~~ select the party
 15 for which he wishes to vote, and the automatic tabulating
 16 equipment will count only votes for the candidates of one
 17 party, and will reject all votes for an office when the
 18 number of votes therefor exceeds the number which the voter
 19 is entitled to cast, and will reject all votes of a voter
 20 cast for candidates of more than one party.

21 (3) So far as applicable, the procedure provided for
 22 voting paper ballots shall apply.

23 (4) The governing body of any county or city may,
 24 after approval as provided by law, adopt, experiment with,
 25 or abandon any electronic voting system herein authorized

1 and approved for use in the state, and may use such system
2 in all or a part of the precincts within its boundaries, or
3 in combination with paper ballots. It may enlarge,
4 consolidate or alter the boundaries of the precincts where
5 an electronic voting system is to be used.

6 (5) In precincts where an electronic voting system is
7 used, an elector may request a paper ballot to cast his vote
8 and the election judges shall supply the elector with the
9 paper ballot when so requested. These ballots will be cast
10 and counted by the election judges in the manner provided by
11 law."

12 Section 5. This act is effective July 1, 1975,
13 provided that as to persons voting by absentee ballot in the
14 primary in 1976 they shall be permitted to vote in
15 accordance with the law as it existed prior to the effective
16 date of this act, but shall also be given, at the time they
17 receive the absentee ballot, the party designation card
18 which they shall return at the time they return their
19 completed ballot.

-End-