

1 ^H BILL NO. ^{H38}
 2 INTRODUCED BY *Vincent Bradley* *Philo* *Quinn*
 3 *Smith*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 23-3304, R.C.M. 1947, BY REQUIRING A FILING FEE OF \$10 FOR
 6 ALL CANDIDATES FOR MUNICIPAL AND COUNTY ELECTIONS AND TO
 7 AMEND SECTION 23-3318, R.C.M. 1947, BY EXEMPTING CANDIDATES
 8 FOR MUNICIPAL AND COUNTY OFFICES FROM HAVING TO GATHER THE
 9 SIGNATURES OF ELECTORS ON THE CERTIFICATE OF NOMINATION."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 23-3304, R.C.M. 1947, is amended to
 13 read as follows:

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

21 (2) Each candidate must sign the declaration and send
 22 with it the required filing fee, or in the case of a
 23 candidate who cannot afford the filing fee, send with it the
 24 documents required in lieu of a filing fee. The declaration
 25 of nomination shall be acknowledged by a notary public if by

1 mail, or by the officer of the office at which the filing is
 2 made.

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

6 (4) Nominating declarations are filed:
 7 (a) In the office of secretary of state for
 8 congressional offices, state or district offices to be voted
 9 for in more than one (1) county, members of the legislative
 10 assembly, and judges of the district court;

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

14 (c) In the office of the city clerk for all city
 15 officers.

16 (5) Filing fees are as follows:
 17 (a) For municipal and county offices and offices
 18 having a salary of one thousand dollars (\$1,000) or less per
 19 annum, ten dollars (\$10) ~~--except--candidates--for--the~~
 20 ~~legislature--must--pay--fifteen--dollars--(\$15);~~

21 (b) For state legislative office, \$15;

22 (b)(c) For offices, not covered under subsections
 23 (5)(a) and (5)(b), having a salary of more than one thousand
 24 dollars (\$1,000) per annum, one per cent (1%) of the total
 25 annual salary;

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1 ~~(c) For the offices of county commissioners;~~
 2 ~~(i) in counties of the first class, forty dollars~~
 3 ~~(\$40);~~
 4 ~~(ii) in counties of the second class, thirty-five~~
 5 ~~dollars (\$35);~~
 6 ~~(iii) in counties of the third class, thirty dollars~~
 7 ~~(\$30);~~
 8 ~~(iv) in counties of the fourth class, twenty-five~~
 9 ~~dollars (\$25);~~
 10 ~~(v) in counties of other classes, ten dollars (\$10);~~
 11 (d) For offices in which compensation is paid in fees,
 12 five dollars (\$5);
 13 (e) For state, county, and precinct committeemen,
 14 delegates to national conventions, and presidential
 15 electors, no fees are required.
 16 (6) A person nominated by having his name written in
 17 on the primary ballot and desiring to accept the nomination
 18 shall not have his name printed on the general election
 19 ballot unless he:
 20 (a) Files with the secretary of state, registrar, or
 21 city clerk, within at least ten (10) days after the primary
 22 a written declaration indicating his acceptance of the
 23 nomination;
 24 (b) Pays the required filing fee;
 25 (c) Received at least five per cent (5%) of the votes

1 cast for the office at the last preceding general election.
 2 (7) Indigent candidates. If a person is unable to pay
 3 a filing fee, the filing officer shall accept the following
 4 documents in lieu of a filing fee:
 5 (a) from a write-in candidate, a verified statement
 6 that he is unable to pay the filing fee;
 7 (b) from a candidate for nomination, a verified
 8 statement that he is unable to pay the filing fee and a
 9 written petition for nomination as a candidate that meets
 10 the following requirements:
 11 (i) contains the name of the office to be filled, the
 12 candidate's name, residence, occupation and business
 13 address;
 14 (ii) is signed by five percent (5%) or more of the
 15 total vote cast for the successful candidate for the same
 16 office at the next preceding general election; and
 17 (iii) is signed by electors residing within the
 18 political division of the state in which the candidate
 19 petitions for nomination.
 20 (8) The declaration for nomination shall be in form
 21 and contain information, prescribed by the secretary of
 22 state. Every declaration must be signed by the elector
 23 seeking nomination."
 24 Section 2. Section 23-3318, R.C.M. 1947, is amended to
 25 read as follows:

1 *23-3318. Certificates of nomination by individuals or
 2 parties not appearing on preceding general election ballot
 3 -- requisites -- applicability. Except as provided in
 4 subsection (6) of this section, nominations for public
 5 office by an individual or a political party which did not
 6 appear on the ballot in the next preceding general election
 7 may be made by executing a certificate of nomination.

- 8 (1) The certificate must be in writing and contain:
- 9 (a) The name of a candidate for the office to be
 10 filled;
- 11 (b) His residence, his occupation, and his business
 12 address.
- 13 (2) If a certificate is filed by a political party
 14 which did not appear on the ballot in the next preceding
 15 general election, it must contain the party name and in five
 16 (5) words or less the principle which such body represents.
- 17 (3) ~~The For offices other than municipal and county~~
 18 ~~offices, the~~ certificate must be signed by electors residing
 19 within the state and district, or political division in
 20 which the officer or officers are to be elected. Each
 21 elector signing a certificate shall add to his signature his
 22 place of residence, and his business address. A candidate
 23 for a municipal or county office need not comply with the
 24 requirement of having the certificate signed by electors.
- 25 (4) The number of signatures must be five per cent

1 (5%) or more of the total vote cast for the successful
 2 candidate for the same office at the next preceding general
 3 election.

4 (5) Except as provided in subsection (6), such
 5 certificates shall be filed on or before the filing deadline
 6 for the primary election as established by law. Certificates
 7 of nomination of candidates for municipal offices must be
 8 filed with the clerks of the respective municipal
 9 corporations not more than thirty (30) days and not less
 10 than fifteen (15) days previous to the day of election.

11 (6) A person who desires to run for president or
 12 vice-president as an independent candidate, must file a
 13 certificate of nomination with the secretary of state 90
 14 days prior to the date of the general election. The
 15 certificate must have the signatures of electors equal to
 16 five per cent (5%) or more of the legal votes cast for
 17 governor at the next preceding general election. He must
 18 also nominate the required number of electors allowable to
 19 Montana and certify the names to the secretary of state.

20 (7) This section shall not apply to nominations for
 21 special elections or to fill vacancies."

-End-

STATE OF MONTANA

REQUEST NO. 233-77

FISCAL NOTE

Form BD-15

In compliance with a written request received January 26, 19 77, there is hereby submitted a Fiscal Note for House Bill 438 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

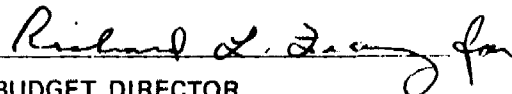
Provides a \$10 filing fee for all candidates for municipal and county elections and exempts those candidates from gathering the signatures of electors on the certificate of nomination.

ASSUMPTION:

An average of two (2) candidates file for each office.

FISCAL IMPACT:

None to the state. Loss in revenues, primarily from filing fees, to counties would approximate \$11,000 each election year and loss to cities and towns would approximate \$2,800 each election year.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-31-77

Approved by Committee
on State Administration

HOUSE BILL NO. 438

INTRODUCED BY VINCENT, BRADLEY, MELoy, DUSSAULT, SCULLY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 23-3304, R.C.M. 1947, BY REQUIRING A FILING FEE OF \$10 FOR ALL CANDIDATES FOR MUNICIPAL AND COUNTY ELECTIONS AND TO AMEND ~~SECTION~~ SECTIONS 23-3318, 11-3112, AND 11-3215, R.C.M. 1947, BY EXEMPTING CANDIDATES FOR MUNICIPAL AND COUNTY OFFICES FROM HAVING TO GATHER THE SIGNATURES OF ELECTORS ON THE CERTIFICATE OF NOMINATION AND STATEMENT OF CANDIDACY."

IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

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

(2) Each candidate must sign the declaration and send with it the required filing fee, or in the case of a candidate who cannot afford the filing fee, send with it the documents required in lieu of a filing fee. The declaration

of nomination shall be acknowledged by a notary public if by mail, or by the officer of the office at which the filing is made.

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

(4) Nominating declarations are filed:

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

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

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

(5) Filing fees are as follows:

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

(b) For state legislative office, \$15;

~~(b)(c)~~ For offices, not covered under subsections (5)(a) and (5)(b), having a salary of more than one thousand dollars (\$1,000) per annum, one per cent (1%) of the total

SECOND READING

1 annual salary;

2 ~~(c) For the offices of county commissioners;~~

3 ~~(i) in counties of the first class, forty dollars~~

4 ~~(\$40);~~

5 ~~(ii) in counties of the second class, thirty five~~

6 ~~dollars (\$35);~~

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

8 ~~(\$30);~~

9 ~~(iv) in counties of the fourth class, twenty five~~

10 ~~dollars (\$25);~~

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

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

13 five dollars (\$5);

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

15 delegates to national conventions, and presidential

16 electors, no fees are required.

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

18 on the primary ballot and desiring to accept the nomination

19 shall not have his name printed on the general election

20 ballot unless he:

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

22 city clerk, within at least ten (10) days after the primary

23 a written declaration indicating his acceptance of the

24 nomination;

25 (b) Pays the required filing fee;

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

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

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

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

5 documents in lieu of a filing fee:

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

7 that he is unable to pay the filing fee;

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

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

10 written petition for nomination as a candidate that meets

11 the following requirements:

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

13 candidate's name, residence, occupation and business

14 address;

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

16 total vote cast for the successful candidate for the same

17 office at the next preceding general election; and

18 (iii) is signed by electors residing within the

19 political division of the state in which the candidate

20 petitions for nomination.

21 (8) The declaration for nomination shall be in form

22 and contain information, prescribed by the secretary of

23 state. Every declaration must be signed by the elector

24 seeking nomination."

25 Section 2. Section 23-3318, P.C.M. 1947, is amended to

1 read as follows:

2 "23-3318. Certificates of nomination by individuals or
3 parties not appearing on preceding general election ballot
4 -- requisites -- applicability. Except as provided in
5 subsection (6) of this section, nominations for public
6 office by an individual or a political party which did not
7 appear on the ballot in the next preceding general election
8 may be made by executing a certificate of nomination.

9 (1) The certificate must be in writing and contain:

10 (a) The name of a candidate for the office to be
11 filled;

12 (b) His residence, his occupation, and his business
13 address.

14 (2) If a certificate is filed by a political party
15 which did not appear on the ballot in the next preceding
16 general election, it must contain the party name and in five
17 (5) words or less the principle which such body represents.

18 (3) ~~The For offices other than municipal and county~~
19 ~~offices, the~~ THE certificate must be signed by electors
20 residing within the state and district, or political
21 division in which the officer or officers are to be elected.
22 Each elector signing a certificate shall add to his
23 signature his place of residence, and his business address.
24 ~~A candidate for a municipal or county office need not comply~~
25 ~~with the requirement of having the certificate signed by~~

1 ~~electors.~~

2 (4) The number of signatures must be five per cent
3 (5%) or more of the total vote cast for the successful
4 candidate for the same office at the next preceding general
5 election.

6 (5) Except as provided in subsection (6), such
7 certificates shall be filed on or before the filing deadline
8 for the primary election as established by law. ~~Certificates~~
9 ~~of nomination of candidates for municipal offices must be~~
10 ~~filed with the clerks of the respective municipal~~
11 ~~corporations not more than thirty (30) days and not less~~
12 ~~than fifteen (15) days previous to the day of election.~~

13 (6) A person who desires to run for president or
14 vice-president as an independent candidate, must file a
15 certificate of nomination with the secretary of state 90
16 days prior to the date of the general election. The
17 certificate must have the signatures of electors equal to
18 five per cent (5%) or more of the legal votes cast for
19 governor at the next preceding general election. He must
20 also nominate the required number of electors allowable to
21 Montana and certify the names to the secretary of state.

22 (7) This section shall not apply to nominations for
23 special elections or to fill vacancies.

24 (8) ~~THE PROVISIONS OF THIS SECTION DO NOT APPLY TO~~
25 ~~NONPARTISAN COUNTIES AND MUNICIPAL ELECTIONS. IF NOT~~

1 OTHERWISE PROVIDED, NONPARTISAN CANDIDATES SHALL FILE FOR
 2 OFFICE USING THE PROCEDURES IN TITLE 23, CHAPTER 45, FOR THE
 3 NONPARTISAN NOMINATION AND ELECTION OF JUDICIAL OFFICERS.
 4 FILING TIMES ARE THE SAME AS THOSE FOR PARTISAN ELECTIONS.
 5 IF NO MORE THAN TWICE THE NUMBER OF CANDIDATES TO BE ELECTED
 6 FILE FOR ANY OF THE OFFICES TO BE FILLED AT THE ELECTION, NO
 7 PRIMARY ELECTION MAY BE HELD AND THE NAMES OF ALL CANDIDATES
 8 SHALL BE PLACED ON THE GENERAL ELECTION BALLOT."

9 SECTION 3. SECTION 11-3112, R.C.M. 1987, IS AMENDED TO
 10 READ AS FOLLOWS:

11 "11-3112. Nomination of candidates — primary
 12 election. (1) Candidates to be voted for at all general
 13 municipal elections at which a mayor or councilmen are to be
 14 elected under the provisions of this act shall be nominated
 15 by a primary election, and no other names shall be placed
 16 upon the general ballot except those selected in the manner
 17 hereinafter prescribed. The primary election for such
 18 nominations shall be held on the second Monday preceding the
 19 municipal election. The judges of election appointed for
 20 the municipal election shall be the judges of the primary
 21 election, and it shall be held at the same places, as far as
 22 possible, and the polls shall be opened and closed at the
 23 same hours, with the same clerks as are required for said
 24 general municipal election.

25 (2) Any qualified elector of said city who is the

1 owner of any real estate situated therein, desiring to
 2 become a candidate for mayor or councilman, shall, at least
 3 ten days prior to said primary election, file with the city
 4 clerk a statement of such candidacy in substantially the
 5 following form:

6 State of Montana,
 7)ss.
 8 County of

9 I,, being first duly sworn, say that I reside at
 10 street, city of, county of state of
 11 Montana; that I am a qualified voter therein; that I am a
 12 candidate for nomination to the office of (mayor or
 13 councilman) to be voted upon at the primary election to be
 14 held on the Monday of, 19...; and I hereby request
 15 that my name be printed upon the official primary ballot for
 16 nomination by such primary election for such office.

17 (Signed)
 18 Subscribed and sworn to (or affirmed) before me by
 19 on this day of, 19...
 20 (Signed)

21 ~~and shall at the same time file therewith the petition of at~~
 22 ~~least twenty-five qualified voters requesting such~~
 23 ~~candidacy. Each petition shall be verified by one or more~~
 24 ~~persons as to qualifications and residency with street~~
 25 ~~numbers of each of the persons so signing the said petition~~

1 ~~and the said petition shall be in substantially the~~
2 ~~following form:~~

3 ~~(3) Petition accompanying nominating statement.~~
4 ~~The undersigned, duly qualified electors of the city of~~
5 ~~_____ and residing at the places set opposite our respective~~
6 ~~names hereto, do hereby request that the name of (name of~~
7 ~~candidate) be placed in the ballot as a candidate for~~
8 ~~nomination for (name of office) at the primary election to~~
9 ~~be held in such city on the _____ Monday of _____, 19____. We~~
10 ~~further state that we know him/her to be a qualified elector~~
11 ~~of said city and a person of good moral character, and~~
12 ~~qualified, in our judgment, for the duties of such office.~~

13 ~~Names of qualifying electors. _____ Number. _____ Street.~~
14 ~~_____~~
15 ~~_____~~

16 ~~(4) Each signer of a nomination paper shall sign but~~
17 ~~one such nomination paper for the same office, except where~~
18 ~~more than one officer is to be elected to the same office,~~
19 ~~in which case he may sign as many nomination papers as there~~
20 ~~are officers to be elected, and only one candidate shall be~~
21 ~~petitioned for or nominated in the same nomination paper.~~

22 ~~(5) (3)~~ Immediately upon the expiration of the time of
23 filing the statements and petitions for of candidates, the
24 said city clerk shall cause to be published for three
25 consecutive days in all the daily newspapers published in

1 the city, in proper form, the names of the persons as they
2 are to appear upon the primary ballots, and if there be no
3 daily newspaper, then in two issues of any other newspapers
4 that may be published in said city; and the said clerk shall
5 thereupon cause the primary ballots to be printed,
6 authenticated with a facsimile of his signature. Upon the
7 said ballot the names of the candidates for mayor, arranged
8 alphabetically, shall first be placed, with a square at the
9 left of each name, and immediately below the words, "Vote
10 for one." Following these names, likewise arranged in
11 alphabetical order, shall appear the names of the candidates
12 for councilmen, with a square at the left of each name, and
13 below the names of such candidates shall appear the words,
14 "Vote for (giving the number of persons to be voted for)."
15 The ballot shall be printed upon plain substantial, white
16 paper, and shall be headed:

17 Candidates for nomination for mayor and councilmen of
18 the city of at the

19 Primary Election;

20 but shall have no party designation or mark whatever. The
21 ballots shall be in substantially the following form: (Place
22 a cross in the square preceding the names of the parties you
23 favor as candidates for the respective positions).

24 Official Primary Ballot.

25 Candidates for nomination for mayor and councilmen of the

1 city of at the
 2 Primary Election.
 3 For Mayor.
 4 (Name of candidate.)
 5 (Vote for one.)
 6 For councilman.
 7 (Name of candidate.)
 8 Vote for (Giving number to be voted for).
 9 Official ballot attest:
 10 (Signature)....
 11 City Clerk.
 12 ~~(6)~~ (4) Having caused said ballots to be printed, the
 13 said city clerk shall cause to be delivered at each polling
 14 place a number of said ballots equal to twice the number of
 15 such voters registered in such polling place at the last
 16 general municipal election. The persons who are qualified
 17 to vote at the general election shall be qualified to vote
 18 at such primary election and any person offering to vote may
 19 be orally challenged by any elector of the city upon any or
 20 all of the grounds set forth and specified in section
 21 23-1220 of these codes, and the provisions of sections
 22 23-1221 to 23-1228, inclusive, of these codes shall apply to
 23 all challenges made at such election. Judges of election
 24 shall immediately upon the closing of the polls count the
 25 ballots and ascertain the number of votes cast in such

1 precinct for each of the candidates for mayor and
 2 councilman, and make return thereof to the city clerk upon
 3 the proper blanks to be furnished by the city clerk within
 4 six hours of the closing of the polls. On the day following
 5 the primary election the city clerk shall canvass said
 6 returns so received from all the polling precincts, and
 7 shall make and publish in all the newspapers in said city,
 8 at least once, the result thereof. Said canvass by the city
 9 clerk shall be publicly made.
 10 ~~(7)~~ (5) If a mayor is to be elected at such municipal
 11 election, the two persons receiving the highest number of
 12 votes shall be the candidates for mayor. If one councilman
 13 is to be elected at such municipal election, the two persons
 14 receiving the highest number of votes shall be the
 15 candidates for councilmen. If two councilmen are to be
 16 elected at such general municipal election, the four persons
 17 receiving the highest number of votes shall be the
 18 candidates for councilmen, and if three councilmen are to be
 19 elected at such municipal election, the six persons
 20 receiving the highest number of votes shall be the
 21 candidates for councilmen, and if four councilmen are to be
 22 elected at such general municipal election, the eight
 23 persons receiving the highest number of votes shall be
 24 candidates for councilmen at such general election, and
 25 these shall be the only candidates for mayor and councilmen

1 at such general election.

2 ~~(6)~~ All electors of cities under this act, who, by
3 ordinances governing cities incorporated under the general
4 municipal incorporation law, or by charter, would be
5 entitled to vote for the election of officers at any general
6 municipal election in such cities, shall be qualified to
7 vote at all elections under this act; and the ballots to be
8 used at such general municipal election shall be in the same
9 general form as for such primary elections so far as
10 applicable, and in all elections in such cities the election
11 precincts, voting places, method of conducting the
12 elections, canvassing of votes, and announcing the results
13 shall be the same as by law provided for the election of
14 officers in such cities so far as the same are applicable
15 and not inconsistent with the provisions of this act.

16 ~~(7)~~ Every person who has been declared elected
17 mayor or councilman, shall, within ten days thereafter, take
18 and file with the city clerk an oath of office in the form
19 and manner provided by law, and shall execute and give
20 sufficient bond to the municipal corporation in the sum of
21 ten thousand dollars, conditioned for the faithful
22 performance of the duties of the office, which bond shall be
23 approved by the judge of the district court of the county in
24 which such city is situated, and filed with the clerk and
25 recorder of the county in which such city is situated."

1 SECTION 4. SECTION 11-3215, R.C.M., 1947, IS AMENDED TO

2 READ AS FOLLOWS:

3 "11-3215. Nomination of candidates -- primary
4 election. (1) Candidates to be voted for at all general
5 municipal elections at which commissioners are to be elected
6 under the provisions of this act shall be nominated by a
7 primary election, and no other names shall be placed upon
8 the general ballot except those nominated in the manner
9 hereinafter prescribed. The primary election for such
10 nominations shall be held on the last Tuesday of August of
11 the odd-numbered years.

12 (2) Any qualified elector of the municipality, who is
13 the owner of real estate situated therein to the value of
14 not less than one thousand dollars, desiring to become a
15 candidate for commissioner, shall, at least thirty-five (35)
16 days prior to said primary election, file with the clerk of
17 the commission a statement of such candidacy in
18 substantially the following form:

19 State of Montana,
20 County of

21 I,...., being first duly sworn, say that I reside at
22 street, (city or town) of, county of, state
23 of Montana; that I am a qualified voter therein; that I am a
24 candidate for nomination to the office of commissioner to be
25 voted upon at the primary election to be held on the last

1 Tuesday of August, 19.., and I hereby request that my name
2 be printed upon the official primary ballot for nomination
3 by such primary election for such office.

4 (Signed)

5 Subscribed and sworn to (or affirmed) before me by
6 on this day of, 19..

7 (Signed)

8 ~~And shall at the same time file therewith the petition of at~~
9 ~~least twenty five qualified voters requesting such~~
10 ~~candidacy. Each petition shall be verified by one or more~~
11 ~~persons as to qualifications and residence, with street~~
12 ~~number, of each of the persons so signing the said petition,~~
13 ~~and the said petition shall be in substantially the~~
14 ~~following form:~~

15 ~~(3) Petition Accompanying Nominating Statement.~~

16 ~~The undersigned duly qualified electors of the (city,~~
17 ~~town) of, and residing at the places set opposite our~~
18 ~~respective names hereto, do hereby request that the name of~~
19 ~~(name of candidate) be placed on the ballot as a candidate~~
20 ~~for nomination to the office of commissioner at the primary~~
21 ~~election to be held on the last Tuesday of August, 19... We~~
22 ~~further state that we know him/her to be a qualified elector~~
23 ~~of said (city, town), and a person of good moral character,~~
24 ~~and qualified, in our judgment, for the duties of such~~
25 ~~office, and we individually certify that we have not signed~~

1 ~~similar petitions greater in number than the number of~~
2 ~~commissioners to be chosen at the next general municipal~~
3 ~~election.~~

4 ~~Names of Qualifying Electors Number Street~~
5 ~~(Space for Signatures)~~

6 ~~State of Montana,~~
7 ~~County of~~

8 ~~..... being duly sworn, deposes and says, that he knows~~
9 ~~the qualifications and residence of each of the persons~~
10 ~~signing the appended petition, and that such signatures are~~
11 ~~genuine, and the signatures of the persons whose names they~~
12 ~~purport to be.~~

13 ~~(Signed)~~

14 ~~Subscribed and sworn to before me this day of~~
15 ~~..... 19...~~

16 ~~..... (Notary Public),~~

17 ~~This petition, if found insufficient, shall be returned~~
18 ~~to at No. Street,, Montana.~~

19 ~~(4) (3) Immediately upon the expiration of the time of~~
20 ~~filing the statements and petition for of candidates, the~~
21 ~~clerk of the commission shall cause to be published for~~
22 ~~three consecutive days in all the daily newspapers published~~
23 ~~in the municipality in proper form, the names of the persons~~
24 ~~that are to appear upon the primary ballots, and if there be~~
25 ~~no daily newspaper, then in two issues of any other~~

1 newspaper that may be published in said municipality, and
2 the said clerk shall thereupon cause the primary ballots to
3 be printed and authenticated with a facsimile of his
4 signature.

5 ~~(5)~~ (4) In the event the number of legally qualified
6 candidates for the office of commissioner at such primary
7 election does not exceed twice the number of vacancies in
8 the commission to be filled, no municipal primary election
9 for the nomination of candidates for the office of
10 commissioner shall be held in said city for said year and
11 such legally qualified candidates shall be deemed duly
12 nominated and shall be placed on the general ballot.*

-End-

HOUSE BILL NO. 438

INTRODUCED BY VINCENT, BRADLEY, HELOY, DOSSAULT, SCULLY

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 23-3304, R.C.M. 1947, BY REQUIRING A FILING FEE OF \$10 FOR ALL CANDIDATES FOR MUNICIPAL AND COUNTY ELECTIONS AND TO AMEND ~~SECTION~~ SECTIONS 23-3318, 11-3112, AND 11-3215, R.C.M. 1947, BY EXEMPTING CANDIDATES FOR MUNICIPAL AND COUNTY OFFICES FROM HAVING TO GATHER THE SIGNATURES OF ELECTORS ON THE CERTIFICATE OF NOMINATION AND STATEMENT OF CANDIDACY."

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

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

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

(2) Each candidate must sign the declaration and send with it the required filing fee, or in the case of a candidate who cannot afford the filing fee, send with it the documents required in lieu of a filing fee. The declaration

of nomination shall be acknowledged by a notary public if by mail, or by the officer of the office at which the filing is made.

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

(4) Nominating declarations are filed:

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

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

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

(5) Filing fees are as follows:

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

(b) For state legislative office, \$15;

~~(b)(c)~~ For offices, not covered under subsections (5)(a) and (5)(b), having a salary of more than one thousand dollars (\$1,000) per annum, one per cent (1%) of the total

There are no changes in HB 438. THIRD READING
Please refer to yellow copy for complete text.

1 annual salary;

2 ~~(c) For the offices of county commissioners;~~

3 ~~(i) in counties of the first class, forty dollars~~

4 ~~(\$40);~~

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

6 ~~dollars (\$35);~~

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

8 ~~(\$30);~~

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

10 ~~dollars (\$25);~~

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

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

13 five dollars (\$5);

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

15 delegates to national conventions, and presidential

16 electors, no fees are required.

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

18 on the primary ballot and desiring to accept the nomination

19 shall not have his name printed on the general election

20 ballot unless he:

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

22 city clerk, within at least ten (10) days after the primary

23 a written declaration indicating his acceptance of the

24 nomination;

25 (b) Pays the required filing fee;

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

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

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

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

5 documents in lieu of a filing fee:

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

7 that he is unable to pay the filing fee;

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

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

10 written petition for nomination as a candidate that meets

11 the following requirements:

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

13 candidate's name, residence, occupation and business

14 address;

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

16 total vote cast for the successful candidate for the same

17 office at the next preceding general election; and

18 (iii) is signed by electors residing within the

19 political division of the state in which the candidate

20 petitions for nomination.

21 (8) The declaration for nomination shall be in form

22 and contain information, prescribed by the secretary of

23 state. Every declaration must be signed by the elector

24 seeking nomination."

25 Section 2. Section 23-3318, R.C.M. 1947, is amended to