

1 *Senate* BILL NO. *182*
 2 INTRODUCED BY *Dwight Gray*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
 5 ROTATION OF NAMES ON ELECTION BALLOTS AS DETERMINED BY LOT
 6 AND TO REMOVE THE DISTINCTION BETWEEN MAJOR PARTY
 7 CANDIDATES, MINOR PARTY CANDIDATES, AND INDEPENDENT
 8 CANDIDATES; AMENDING SECTIONS 23-3308, 23-3511, AND 23-3804,
 9 R.C.M. 1947; AND PROVIDING AN EFFECTIVE DATE."

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

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

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

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

1 ~~of the candidates as follows:~~

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

5 ~~(b) Arrange the sets so that candidates' names are~~
 6 ~~rotated by removing one name from the top of the list for~~
 7 ~~each nomination or office and place the name or number at~~
 8 ~~the bottom of the list for each successive set of ballot~~
 9 ~~forms; however, in printing ballots for use in any one (1)~~
 10 ~~precinct, only one (1) set shall be used and they shall be~~
 11 ~~identical; For the purpose of placement on the ballot, the~~
 12 ~~offices of president and vice-president shall be considered~~
 13 ~~as a single office with the person seeking the office of~~
 14 ~~president considered as the candidate and the offices of~~
 15 ~~governor and lieutenant governor shall be considered as a~~
 16 ~~single office with the person seeking the office of governor~~
 17 ~~considered as the candidate.~~

18 (3) Candidates' names shall be arranged in an order to
 19 be determined by a drawing by lot, under the offices and
 20 under the proper party designation. The drawing shall be
 21 conducted by the registrar not less than 30 days before the
 22 date of the primary election and as soon as possible
 23 following the close of nominations and receipt of the
 24 certified list of candidates from the office of the
 25 secretary of state and in the following manner:

1 (a) Considering each office separately, the registrar
 2 shall assign a number to each candidate in each office
 3 wherein there are two or more nominees or candidates, and
 4 the number so assigned shall be written, typed, or stamped
 5 on paper or other suitable material and enclosed in separate
 6 black capsules, identical in all respects, and placed in a
 7 box of ample size to permit the capsules to be thoroughly
 8 mixed. The registrar shall then proceed to thoroughly mix
 9 the capsules in the box and draw the capsules one at a time.
 10 The order in which the nominee's or candidate's number is
 11 drawn determines his or her place on the ballot in the
 12 office for which he or she is a candidate, beginning at the
 13 top and under the proper party designation.

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

23 (c)(4) If an elector writes the name of a person upon
 24 a ballot, and the person's name appears as a candidate upon
 25 another ballot, the ballot shall count for the person only

1 as a candidate of the party upon whose ticket his name is
 2 written.

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

11 ~~(e)(6)~~ If a person fails to be nominated upon the
 12 party ticket contained in his nominating declaration, his
 13 name shall not be printed upon any ballot with party
 14 designation.

15 ~~(f)(7)~~ This act does not preclude an elector from
 16 having his name printed upon the ballot as an independent
 17 candidate, and no candidate shall have his name printed on
 18 more than one ~~(1)~~ ticket.

19 ~~(3)(8)~~ Ballots shall be printed on white paper in the
 20 form of the Australian ballot and the candidates of each
 21 party shall be printed on a separate ticket.

22 ~~(4)(9)~~ After preparing his ballot, the elector shall
 23 detach it from the remaining tickets and fold it so that the
 24 face is concealed and the official stamp is seen;

25 (a) The elector shall fold the remaining tickets, vote

1 the marked ballot without leaving the polling place, and
2 deposit the remaining tickets in a separate box marked as
3 the blank ballot box;

4 (b) Immediately after the recount period, the election
5 judges shall, without examination, destroy the tickets
6 deposited in the blank ballot box."

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

9 "23-3511. Arrangement of names -- rotation on ballot
10 ballot prepared by drawing of lot. ~~(1) The candidates'~~
11 ~~names shall be arranged alphabetically on the ballot~~
12 ~~according to surnames under the appropriate title of the~~
13 ~~respective offices;~~

14 ~~(2) The candidates of the two (2) major parties shall~~
15 ~~appear on the ballot before and above candidates of minor~~
16 ~~parties and independent candidates;~~

17 ~~(3) The parties whose candidates for governor, except~~
18 ~~independent candidates, received the highest number of votes~~
19 ~~at the next preceding four (4) general elections shall~~
20 ~~constitute the two (2) major political parties;~~

21 ~~(4) If there is a tie in the number of first or second~~
22 ~~place votes, the determination shall be made by going back~~
23 ~~to enough preceding elections to break the tie and no~~
24 ~~further;~~

25 ~~(5) All other candidates shall be designated as either~~

1 ~~independent candidates or as belonging to minor parties;~~
2 ~~(6) If two (2) or more persons are candidates for~~
3 ~~election to the same office, the registrar shall divide the~~
4 ~~ballot forms into sets to provide a substantial rotation of~~
5 ~~the names of candidates as follows:~~

6 ~~(a) He shall divide the whole number of ballot forms~~
7 ~~for the county into sets equal in number to the greatest~~
8 ~~number of candidates for any office;~~

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

15 ~~(c)(1) For the purposes of rotation placement on the~~
16 ~~ballot, the office offices of president and vice-president~~
17 ~~shall be considered as a group; single office with the~~
18 ~~person seeking the office of the president considered as the~~
19 ~~candidate and the offices of governor and lieutenant~~
20 ~~governor shall be considered as a single office with the~~
21 ~~person seeking the office of governor considered as the~~
22 ~~candidate;~~

23 ~~(d) No more than one (1) of the sets shall be used in~~
24 ~~printing the ballot for use in any one (1) precinct, and all~~
25 ~~ballots furnished for use in any precinct shall be~~

1 identical

2 ~~(e) Candidates of the two (2) major parties shall be~~
3 ~~rotated so they appear on the ballot before and above any~~
4 ~~candidates of the minor parties or independent candidates~~

5 (2) Candidates' names shall be arranged on the ballots
6 in an order to be determined by lot, under the offices. The
7 party affiliation of each candidate, if any, shall be placed
8 by the name of the candidate on the ballot. The drawing
9 shall be conducted by the registrar not less than 30 days
10 before the date of the general election in the following
11 manner:

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

24 (b) Not less than 10 days prior to the date set for
25 the drawing, each party presenting candidates for election

1 and each independent candidate shall be notified and public
2 notice given by means of newspaper, radio, or television of
3 the time and place where the drawing for relative positions
4 on the ballot will be held. Each party and each independent
5 candidate is entitled to have a representative present at
6 the drawing. A party representative shall be appointed by
7 the county central committee.

8 (3) The registrar shall have the ballot printed so
9 that within a county all ballots furnished for the precincts
10 within a representative district are identical and all
11 ballots furnished for the precincts within a portion of a
12 representative district are identical."

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

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

19 (a) Set, adjust, and put the machines in order;
20 (b) Deliver the machines to the precincts together
21 with necessary furniture and appliances;
22 (c) Place a shield painted black and marked "not in
23 use" over the keys or levers not in use on the voting
24 machine.

25 (2) In primary elections a separate row or column

1 shall be assigned to each political party ~~and at least one~~
 2 ~~{1} row shall separate the rows assigned to the two {2}~~
 3 ~~major political parties. This row shall be used for the~~
 4 ~~nonpartisan judicial ballot.~~

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

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

13 ~~{5}{4}~~ The party designations, if any of each
 14 candidate shall appear below his name in type as large as
 15 machine design will allow.

16 ~~{6}{5}~~ The judicial ballot shall appear in the first
 17 two {2} horizontal or vertical rows or columns as prescribed
 18 by section 23-3513.

19 ~~{7}{6}~~ The election judges shall compare the ballots
 20 on the machine with sample ballots, ensure that all counters
 21 are set at zero₂ and the machine is in order. They shall not
 22 thereafter permit the machine to be operated or moved except
 23 by electors voting. They shall also see that arrangements
 24 are made for voting write-in ballots on the machine, if the
 25 machine is so arranged."

1 Section 4. Severability. If a part of this act is
 2 invalid, all valid parts that are severable from the invalid
 3 part remain in effect. If a part of this act is invalid in
 4 one or more of its applications, the part remains in effect
 5 in all valid applications that are severable from the
 6 invalid applications.
 7 Section 5. Effective date. This act is effective on
 8 its passage and approval.

-End-

Approved by Committee
on State Administration

SENATE BILL NO. 122

INTRODUCED BY DUNKLE, MANLEY

A BILL FOR AN ACT ENTITLED: *AN ACT TO PROVIDE FOR THE
ROTATION OF NAMES ON ELECTION BALLOTS AS DETERMINED BY LOT
~~AND TO REMOVE THE DISTINCTION BETWEEN MAJOR PARTY~~
~~CANDIDATES, MINOR PARTY CANDIDATES, AND INDEPENDENT~~
~~CANDIDATES THE NUMBER OF ELECTORS IN THE PRECEDING GENERAL~~
~~ELECTION; AMENDING SECTIONS 23-3308, AND 23-3511, AND~~
~~23-3604, R.C.M. 1947, AND PROVIDING AN EFFECTIVE DATE.*~~

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

Refer To Introduced Bill

(Strike everything after the enacting clause and insert:)

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

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

(2) Candidates' names shall be arranged alphabetically
by surnames, under the offices and under the proper party
designation. The names of the candidates for governor and
lieutenant governor shall be arranged by the surname of the

candidate for governor. When two (2) or more persons are
candidates for nomination for the same office, the registrar
shall divide the ballot to provide a rotation of the names
of the candidates as follows:

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

(b) Arrange the sets so that candidates' names are
rotated by removing one name from the top of the list for
each nomination or office and place the name or number at
the bottom of the list for each successive set of ballot
forms; ~~however, so as to equalize insofar as possible the~~
~~number of electors for which a particular set is used. The~~
~~number of registered voters as of the last general election,~~
~~or if necessitated by a large change in population in one~~
~~area an estimate, may be used. In printing ballots for~~
use in any one (1) precinct, only one (1) set shall be used
and they shall be identical;

(c) If an elector writes the name of a person upon a
ballot, and the person's name appears as a candidate upon
another ballot, the ballot shall count for the person only
as a candidate of the party upon whose ticket his name is
written;

(d) If a person is nominated upon more than one (1)
ticket, not later than ten (10) days after the election he

1 shall file written notification with the secretary of state,
 2 registrar, or city clerk the party under which his name is
 3 to appear upon the ballot for the general election, and, if
 4 he fails to notify the proper officers, his name shall
 5 appear under the party with whom his nominating declaration
 6 was first filed;

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

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

14 (3) Ballots shall be printed on white paper in the
 15 form of the Australian ballot and the candidates of each
 16 party shall be printed on a separate ticket.

17 (4) After preparing his ballot, the elector shall
 18 detach it from the remaining tickets and fold it so that the
 19 face is concealed and the official stamp is seen;

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

24 (b) Immediately after the recount period, the election
 25 judges shall, without examination, destroy the tickets

1 deposited in the blank ballot box."

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

4 *23-3511. Arrangement of names -- rotation on ballot.
 5 (1) The candidates' names shall be arranged alphabetically
 6 on the ballot according to surnames under the appropriate
 7 title of the respective offices.

8 (2) The candidates of the two (2) major parties shall
 9 appear on the ballot before and above candidates of minor
 10 parties and independent candidates.

11 (3) The parties whose candidates for governor, except
 12 independent candidates, received the highest number of votes
 13 at the next preceding four (4) general elections shall
 14 constitute the two (2) major political parties.

15 (4) If there is a tie in the number of first or second
 16 place votes, the determination shall be made by going back
 17 to enough preceding elections to break the tie and no
 18 further.

19 (5) All other candidates shall be designated as either
 20 independent candidates or as belonging to minor parties.

21 (6) If two (2) or more persons are candidates for
 22 election to the same office, the registrar shall divide the
 23 ballot forms into sets to provide a substantial rotation of
 24 the names of candidates as follows:

25 (a) He shall divide the whole number of ballot forms

1 for the county into sets equal in number to the greatest
2 number of candidates for any office;

3 (b) He shall arrange the sets so that the names of the
4 candidates beginning with a form arranged in alphabetical
5 order, are rotated by removing one (1) name from the top of
6 the list for each office and placing the name or number at
7 the bottom of the list for each successive set of ballot
8 forms so as to equalize insofar as possible the number of
9 electors for which a particular set is used. The number of
10 registered voters as of the last general election, or if
11 necessitated by a large change in population in one area an
12 estimate, may be used;

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."

-End-

SENATE BILL NO. 122

INTRODUCED BY DUNKLE, MANLEY

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(2) Candidates' names shall be arranged alphabetically by surnames, under the offices and under the proper party designation. The names of the candidates for governor and lieutenant governor shall be arranged by the surname of the

candidate for governor. When two (2) or more persons are candidates for nomination for the same office, the registrar shall divide the ballot to provide a rotation of the names of the candidates as follows:

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

(b) Arrange the sets so that candidates' names are rotated by removing one name from the top of the list for each nomination or office and place the name or number at the bottom of the list for each successive set of ballot forms; ~~however~~ so as to equalize insofar as possible the number of electors for which a particular set is used. The number of registered voters as of the last general election, or if necessitated by a large change in population in one area an estimate, may be used. ~~in~~ In printing ballots for use in any one (1) precinct, only one (1) set shall be used and they shall be identical;

(c) If an elector writes the name of a person upon a ballot, and the person's name appears as a candidate upon another ballot, the ballot shall count for the person only as a candidate of the party upon whose ticket his name is written;

(d) If a person is nominated upon more than one (1) ticket, not later than ten (10) days after the election he

1 shall file written notification with the secretary of state,
 2 registrar, or city clerk the party under which his name is
 3 to appear upon the ballot for the general election, and, if
 4 he fails to notify the proper officers, his name shall
 5 appear under the party with whom his nominating declaration
 6 was first filed;

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

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

14 (3) Ballots shall be printed on white paper in the
 15 form of the Australian ballot and the candidates of each
 16 party shall be printed on a separate ticket.

17 (4) After preparing his ballot, the elector shall
 18 detach it from the remaining tickets and fold it so that the
 19 face is concealed and the official stamp is seen;

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

24 (b) Immediately after the recount period, the election
 25 judges shall, without examination, destroy the tickets

1 deposited in the blank ballot box."

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

4 "23-3511. Arrangement of names -- rotation on ballot.

5 (1) The candidates' names shall be arranged alphabetically
 6 on the ballot according to surnames under the appropriate
 7 title of the respective offices.

8 (2) The candidates of the two (2) major parties shall
 9 appear on the ballot before and above candidates of minor
 10 parties and independent candidates.

11 (3) The parties whose candidates for governor, except
 12 independent candidates, received the highest number of votes
 13 at the next preceding four (4) general elections shall
 14 constitute the two (2) major political parties.

15 (4) If there is a tie in the number of first or second
 16 place votes, the determination shall be made by going back
 17 to enough preceding elections to break the tie and no
 18 further.

19 (5) All other candidates shall be designated as either
 20 independent candidates or as belonging to minor parties.

21 (6) If two (2) or more persons are candidates for
 22 election to the same office, the registrar shall divide the
 23 ballot forms into sets to provide a substantial rotation of
 24 the names of candidates as follows:

25 (a) He shall divide the whole number of ballot forms

1 for the county into sets equal in number to the greatest
2 number of candidates for any office;

3 (b) He shall arrange the sets so that the names of the
4 candidates beginning with a form arranged in alphabetical
5 order, are rotated by removing one (1) name from the top of
6 the list for each office and placing the name or number at
7 the bottom of the list for each successive set of ballot
8 forms so as to equalize insofar as possible the number of
9 electors for which a particular set is used. The number of
10 registered voters as of the last general election, or if
11 necessitated by a large change in population in one area an
12 estimate, may be used;

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

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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;

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20 rotated so they appear on the ballot before and above any
21 candidates of the minor parties or independent candidates."

-End-