

1 *Senater* BILL NO. *143*  
 2 INTRODUCED BY *Walt Murray*  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE  
 5 CLOSURE OF REGISTRATION 30 DAYS PRIOR TO ELECTION, TO REMOVE  
 6 POSTING REQUIREMENTS FOR NOTICES, TO HOLD PRIMARY ELECTIONS  
 7 ON THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN JUNE, AND  
 8 TO SIMPLIFY AND REDUCE THE COST OF ADMINISTERING  
 9 REGISTRATION AND ELECTIONS; AMENDING SECTIONS 16-2026,  
 10 23-2704, 23-2902, 23-2903, 23-3011, 23-3016, 23-3201,  
 11 23-3204, 23-3301, 23-3303, 23-3505, 23-4006, AND 37-107,  
 12 R.C.M. 1947."

13  
 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 15 Section 1. Section 16-2026, R.C.M. 1947, is amended to  
 16 read as follows:

17 "16-2026. Registration. Upon the adoption of the  
 18 resolution calling for the election, the county clerk must  
 19 cause to be published in the official newspaper of the  
 20 county a notice, signed by him, stating that registration  
 21 for such bond election will close at noon on the ~~fifteenth~~  
 22 ~~30th~~ day prior to the date for holding such election and at  
 23 that time the registration books shall be closed for such  
 24 election. Such notice must be published at least ten (10)  
 25 days prior to the day when such registration books will be

1 closed.  
 2 After the closing of the registration books for such  
 3 election the county clerk shall promptly prepare lists of  
 4 the registered electors of such voting precinct who are  
 5 entitled to vote at such election, and shall prepare  
 6 precinct registers for such election, as provided in section  
 7 23-3012, and deliver the same to the judges of election  
 8 prior to the opening of the polls. It shall not be necessary  
 9 to publish or post such list of qualified electors."

10 Section 2. Section 23-2704, R.C.M. 1947, is amended to  
 11 read as follows:

12 "23-2704. Notice and closing of registration for  
 13 elections on incurring of state indebtedness other than for  
 14 refunding or levy of tax. (1) If the question of state  
 15 indebtedness, issuance of bonds or debentures other than for  
 16 refunding, or the levy of a tax for state purposes, is  
 17 submitted at an election other than a general biennial  
 18 election, the registrar of each county shall publish in the  
 19 official county newspaper, a notice signed by him, stating  
 20 that registration will close at noon on the ~~fortieth-(40th)~~  
 21 ~~30th~~ day prior to the date of the election unless the act  
 22 providing for the submission of the question fixes a  
 23 different time for the giving of notice. The notice shall be  
 24 published ten (10) days or more prior to the date when  
 25 registration will be closed unless the act providing for

*SB143*

1 submission of the question fixes a different time for  
2 closing registration.

3 (2) If the question is to be submitted at a general  
4 biennial election, notice and the closing of registration  
5 shall be governed by the laws applying to general biennial  
6 elections. The provisions of section 37-107, R. C. M. 1947  
7 apply to the printing and distribution of copies of the  
8 proposed law."

9 Section 3. Section 23-2902, R.C.M. 1947, is amended to  
10 read as follows:

11 "23-2902. Publication and posting by county  
12 commissioners. When a proclamation prescribed by section  
13 23-2901 is received, the commissioners shall have a copy  
14 published in a newspaper published in the county if a  
15 newspaper is published therein, otherwise in a newspaper of  
16 general circulation therein ~~and shall post a copy ten (10)~~  
17 ~~days or more before the election at each polling place."~~

18 Section 4. Section 23-2903, R.C.M. 1947, is amended to  
19 read as follows:

20 "23-2903. Election proclamation by county  
21 commissioners. When a special election is ordered by the  
22 commissioners, they must issue an election proclamation  
23 containing the statement contained in 23-2901 (1). The  
24 statement must be published ~~and posted~~ in the same manner as  
25 a proclamation issued by the governor."

1 Section 5. Section 23-3011, R.C.M. 1947, is amended to  
2 read as follows:

3 "23-3011. Inquiry as to previous registration--  
4 procedure. (1) The registrar shall question each person  
5 registering to ascertain whether he has previously  
6 registered in this state. If the person has previously  
7 registered, the registrar shall enter his name in a separate  
8 file which is indexed by counties. Cards for this purpose  
9 shall be in the form prescribed by the secretary of state.

10 (2) Not more than three (3) days after closing the  
11 registration books, the registrar shall forward the cards to  
12 the registrar where the applicant previously voted by  
13 registered or certified mail. The delivery receipt shall be  
14 kept on file with other election records.

15 (3) Upon receiving notice to cancel the registration  
16 of an elector, the registrar shall immediately draw red  
17 ~~lines through the elector's name in the register and on the~~  
18 ~~registration card~~ cancel the registration by deleting the  
19 voter's name from the registry and placing his card in the  
20 cancelled file."

21 Section 6. Section 23-3016, R.C.M. 1947, is amended to  
22 read as follows:

23 "23-3016. Close of registration -- procedure. (1) The  
24 registrar shall:

25 (a) Close registrations as follows: ~~(i) for thirty~~

1 ~~{30} days before any federal election; {ii}~~

2 ~~{i}~~ at noon the day before election for voters entitled  
3 under the provisions of section 23-3724, R.C.M. 1947, to  
4 register to that time; ~~{iii}~~

5 ~~{ii}~~ for ~~forty {40}~~ 30 days before any election other  
6 than hereinabove provided.

7 (b) Immediately after closing registration send the  
8 secretary of state a certificate showing the number of  
9 voters registered in each precinct in a county;

10 (c) ~~Sixty {60}~~ Fifty days before the election, publish  
11 notice in a newspaper of general circulation in the county  
12 specifying the day registrations will close ~~and post the~~  
13 ~~notice in each precinct.~~ The published notice shall continue  
14 for a period of ~~twenty {20}~~ days.

15 (2) The notice shall state that electors may register  
16 for the ensuing election by appearing before the registrar  
17 or before any deputy registrar as provided by law or by  
18 mailing, postage paid, a properly completed registry card to  
19 the county registrar."

20 Section 7. Section 23-3201, R.C.M. 1947, is amended to  
21 read as follows:

22 "23-3201. Appointment of election judges and clerks --  
23 second board of election judges -- duties. (1) At their  
24 regular meeting next preceding a general primary election,  
25 the commissioners shall appoint five (5) election judges and

1 two (2) clerks for each precinct having ~~two hundred {200}~~  
2 350 or more electors and three (3) election judges and two  
3 (2) clerks for each precinct having less than ~~two hundred~~  
4 ~~{200}~~ 350 electors. Judges for new precincts shall be  
5 appointed based upon the estimated number of electors.

6 (2) If a precinct has three hundred fifty (350) or  
7 more electors, the commissioners may appoint a second board  
8 of five (5) election judges and two (2) clerks who shall  
9 have the same qualifications as the first board. The second  
10 board shall:

11 (a) Meet at their respective polling places as  
12 ordered;

13 (b) Count and tabulate ballots as soon as the first  
14 board has completed their duties in regard to the voting.

15 (3) If counting and tabulating the ballots is not  
16 completed by 8 a. m. on the day following the election, the  
17 first board shall reconvene and relieve the second board  
18 until 8 p. m. when the second board shall again reconvene  
19 and relieve the first board until the ballots are counted  
20 and tabulated.

21 (4) The election judges constituting the boards shall  
22 number the ballots and count the tally upon the tally sheets  
23 and indicate upon the tally sheets the work of each board.  
24 The board completing the county shall certify the returns as  
25 required by law."

1 Section 8. Section 23-3204, R.C.M. 1947, is amended to  
2 read as follows:

3 "23-3204. Registrar to notify judges and clerks of  
4 their appointment and of impending general elections --  
5 judges to post notices of election. (1) The registrar must  
6 notify the election judges and clerks in writing of their  
7 appointment.

8 (2) Twenty (20) days or more before any general  
9 election, the registrar shall mail ~~two (2) notices a~~ notice  
10 of the election to the election judges. The ~~notices~~ notice  
11 shall be in the form prescribed by the secretary of state."

12 ~~{3}--Ten--(10)--days--or--more--prior--to--the--election--the~~  
13 ~~election--judges--shall--post--one--(1)--notice--at--the--place--where~~  
14 ~~the--election--will--be--held--and--the--other--in--one--(1)--of--the~~  
15 ~~most--public--places--in--the--precincts~~

16 Section 9. Section 23-3301, R.C.M. 1947, is amended to  
17 read as follows:

18 "23-3301. Date of primary election -- candidates to be  
19 selected. The primary election shall be held on the first  
20 Tuesday after the first Monday in June preceding any general  
21 election to select candidates for:

22 (1) United States senators and representatives in  
23 Congress;

24 (2) Other elective state, district, and county  
25 officers;

1 (3) Delegates to any constitutional convention who  
2 will be chosen at the ensuing general election;

3 (4) County central committeemen and committeewomen by  
4 the political parties."

5 Section 10. Section 23-3303, R.C.M. 1947, is amended  
6 to read as follows:

7 "23-3303. Notices of election. ~~{1}~~ Twenty (20) days  
8 before any primary election, the registrar shall prepare  
9 printed notices of the election and mail ~~two (2) notices a~~  
10 notice to each judge of election.

11 ~~{2}--Each--judge--and--clerk--shall--immediately--post--the~~  
12 ~~notices--in--public--places--in--their--precincts~~

13 ~~{3}~~ "Notices shall be in the form, and contain  
14 information, as prescribed by the secretary of state."

15 Section 11. Section 23-3505, R.C.M. 1947, is amended  
16 to read as follows:

17 "23-3505. Completion and posting of forms.  
18 (1) Immediately after all the ballots are voted in each  
19 precinct, the election judges shall copy the total votes  
20 cast for each candidate and for and against each proposition  
21 on the blanks furnished by the registrars in the preceding  
22 section.

23 (2) The election judges shall immediately post one of  
24 the blanks at the polling place, and ~~send~~ deliver a copy by  
25 ~~mail~~ to the registrar."

1 Section 12. Section 23-4006, R.C.M. 1947, is amended  
2 to read as follows:

3 "23-4006. Items to be sent to registrar by election  
4 judges -- manner of sending. (1) Before they adjourn, the  
5 election judges shall enclose in a strong envelope or  
6 package, securely sealed and directed to the registrar:

- 7 (a) The precinct registers,
- 8 (b) The lists of persons challenged,
- 9 (c) Both of the pollbooks,
- 10 (d) Both of the tally sheets.

11 (2) The election judges shall enclose in a separate  
12 package or envelope, securely sealed and directed to the  
13 registrar, all unused ballots with the numbered stubs  
14 attached.

15 (3) The election judges shall enclose in a separate  
16 package or envelope, securely sealed and directed to the  
17 registrar, all ballots voted including those not counted or  
18 allowed, and all detached stubs from ballots voted. This  
19 envelope shall be endorsed on the outside "ballots voted."

20 (4) Each election judge shall write his name across  
21 the seal of each of the envelopes or packages. The ballot  
22 box shall be returned to the registrar or collected by a  
23 person designated by the registrar.

24 (5) The envelopes or packages required by this section  
25 shall be delivered to one (1) of the election judges chosen

1 by lot, unless otherwise agreed upon, before they adjourn.  
2 The judge shall deliver them to the registrar in person or  
3 by registered mail no later than 10 a. m. on the day  
4 following the election."

5 Section 13. Section 37-107, R.C.M. 1947, is amended to  
6 read as follows:

7 "37-107. Printing and distribution of measures. (1)  
8 The secretary of state shall furnish a copy of each of the  
9 proposed measures to be submitted to the people, and make  
10 requisition on the department of administration, for the  
11 printing and delivery to him of all proposed constitutional  
12 amendments, initiative, and referendum measures to be  
13 submitted to a vote of the people.

14 (2) The department of administration, shall, no later  
15 than five (5) weeks before any general or special election,  
16 at which any proposed law is to be submitted to the people,  
17 have printed a true copy of the title and text of each  
18 measure to be submitted, with the number and form in which  
19 the question will be printed on the official ballot. The  
20 department of administration shall call for bids and  
21 contract with the lowest responsible bidder for the printing  
22 of the proposed law to be submitted to the people.

23 (3) The proposed law to be submitted shall be printed  
24 and forwarded to the county clerk and recorder of each  
25 county.

1 (4) The number of proposed measures to be printed  
 2 shall be at least five per cent (5%) more than the number of  
 3 qualified electors, as shown by the registration lists of  
 4 the several counties of the state at the last preceding  
 5 general election.

6 (5) The information to be printed shall be printed in  
 7 the following order as applicable:

8 (a) the statement of the secretary of state;

9 (b) the statement of the attorney general;

10 (c) the title and body of the proposed measure;

11 (d) the manner in which the measure will appear on the  
 12 ballot;

13 (e) the argument advocating approval of the measure;

14 (f) the argument advocating rejection of the measure;

15 (g) the argument rebutting the argument advocating  
 16 approval; and

17 (h) the argument rebutting the argument advocating  
 18 rejection.

19 (6) The secretary of state shall distribute to each  
 20 county clerk, no later than four (4) weeks before the  
 21 election at which the proposed measure(s) will be voted  
 22 upon, a sufficient number of pamphlets to furnish one copy  
 23 to every voter in his county. Each county clerk shall mail  
 24 to each ~~registered-voter~~ local postal patron in the county  
 25 at least one copy of the pamphlet within two (2) weeks from

1 the date of his receipt of the pamphlets from the secretary  
 2 of state."

-End-

## STATE OF MONTANA

REQUEST NO. 109-77

## FISCAL NOTE

Form BD-15

In compliance with a written request received January 19, 19 77, there is hereby submitted a Fiscal Note for Senate Bill 143 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:

An act to provide for the closure of registration 30 days prior to election, to remove posting requirements for notices, to hold primary elections on the first Tuesday following the first Monday in June, and to simplify and reduce the cost of administering registration and elections.

## ASSUMPTIONS:

1. A larger number of voter pamphlets would need to be distributed. However, the additional cost can be absorbed by the Secretary of State.
2. The number of precincts needing two (2) less judges is 200, and the reduction in cost due to the loss of two (2) judges is \$60 per precinct.

## FISCAL IMPACT ON STATE:

None.

## LOCAL IMPACT:

Local government would experience cost decreases as follows:

	<u>FY 78</u>	<u>FY 79</u>	<u>TOTAL</u>
Decrease due to removal of notice requirement	\$ 1,926	\$ 1,926	\$ 3,852
Decrease due to reduction in number of judges	<u>12,000</u>	<u>12,000</u>	<u>24,000</u>
Total cost reduction	<u>\$13,926</u>	<u>\$13,926</u>	<u>\$27,852</u>

In addition to the above, the change in mailing procedure for voter information pamphlets would save employee time and postage costs; however, no figures could be compiled in the time allotted.

## TECHNICAL NOTE:

Reports from post offices indicate that in some counties there are more postal patrons than registered voters and in some counties there are fewer. Sections of the law specifying how many pamphlets to print need to be amended to agree with change in mailing.

*Richard L. Franey for*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-25-77