

HOUSE BILL 172

IN THE HOUSE

January 15, 1979	Introduced and referred to Committee on Judiciary.
January 19, 1979	Committee recommend bill, as amended.
January 20, 1979	Printed and placed on members' desks.
January 22, 1979	Second reading, do not pass.

1 *HOUSE* BILL NO. *172*  
 2 INTRODUCED BY *Heysen, Bertelsen, NATHAN Fido*  
 3 *Yates, Jansal, Wade, Dreyfus*

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING OPEN  
 5 BLANKET PRIMARIES; AMENDING SECTIONS 13-10-402, 13-17-206,  
 6 AND 13-18-103, MCA; AND REPEALING SECTIONS 13-10-209,  
 7 13-10-301, 13-10-311 THROUGH 13-10-314, 13-10-317, AND  
 8 13-10-318, MCA."

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

11 NEW SECTION. Section 1. Open blanket primary  
 12 authorized. (1) At a primary election, a properly registered  
 13 voter may vote for a candidate for each office without  
 14 regard to the candidate's political affiliation.

15 (2) At the primary, there shall be a ballot in a form  
 16 prescribed by the secretary of state.

17 NEW SECTION. Section 2. Conduct of primary election.  
 18 (1) Unless otherwise specifically provided, all provisions  
 19 regarding the conduct of a general election shall govern the  
 20 conduct of a primary election, including, but not limited  
 21 to:

- 22 (a) provisions concerning voter qualification;
- 23 (b) provisions regarding the duties, powers, rights,  
 24 and obligations of the secretary of state and other election  
 25 officials;

- 1 (c) provision for notification of the election;
- 2 (d) provisions regarding payment of election expenses;
- 3 (e) provisions for the counting, canvassing, and  
 4 certification of returns; and
- 5 (f) provisions for the determination of tie votes and  
 6 of recount contests and appeal.

7 Section 3. Section 13-10-402, MCA, is amended to read:  
 8 "13-10-402. Ballot. The regular ballots provided for  
 9 in ~~13-10-209~~ [section 1(2)] shall be used for the  
 10 presidential preference primary election. The presidential  
 11 section of the ballot shall be placed before any other  
 12 section, national, state, or local."

13 Section 4. Section 13-17-206, MCA, is amended to read:  
 14 "13-17-206. Arrangement of ballot. (1) ~~in primary~~  
 15 ~~elections a separate row or column shall be assigned to each~~  
 16 ~~political party and at least one row shall separate the rows~~  
 17 ~~assigned to the two major political parties. This row shall~~  
 18 ~~be used for the nonpartisan judicial ballot. The placement~~  
 19 ~~of the nonpartisan judicial ballot shall be such that the~~  
 20 ~~ballot of each political party appears in an unbroken row or~~  
 21 ~~column.~~

22 ~~(2)~~ The candidates for president and vice president  
 23 shall appear on the machine ballot. Presidential electors  
 24 shall not appear on the machine.

25 ~~(3)(2)~~ In primary and general elections the ballot

1 shall be arranged and the names of the candidates rotated to  
2 conform as nearly as possible to the requirements for paper  
3 ballots.

4 ~~{4}--Candidates of the two major parties shall be~~  
5 ~~rotated between the first two horizontal rows or vertical~~  
6 ~~columns and candidates of minor parties and independent~~  
7 ~~candidates shall be rotated between succeeding rows or~~  
8 ~~columns.~~

9 {5}{3} The party designation of each candidate shall  
10 appear below his name in type as large as machine design  
11 will allow.

12 {6}{4} The judicial ballot shall appear in ~~the first~~  
13 ~~two horizontal or vertical rows or columns~~ as prescribed by  
14 13-12-207."

15 Section 5. Section 13-18-103, MCA, is amended to read:

16 "13-18-103. Use of electronic voting systems. {1}  
17 Electronic voting systems may be used in elections, after  
18 approval as provided by law, provided that:

19 {a}{1} such systems enable the voter to cast a vote in  
20 secrecy for all offices and all measures on which he is  
21 entitled to vote; and

22 {b}{2} the automatic tabulating equipment may be set  
23 to reject all votes for any office or measure when the  
24 number of votes therefor exceeds the number which the voter  
25 is entitled to cast or when the voter is not by law entitled

1 to cast a vote for the office or measure.

2 ~~{2}--Electronic voting systems may be used at primary~~  
3 ~~elections provided:~~

4 ~~{a}--the voter can secretly select the party for which~~  
5 ~~he wishes to vote;~~

6 ~~{b}--the automatic tabulating equipment will count only~~  
7 ~~votes for the candidates of one party; and~~

8 ~~{c}--the automatic tabulating equipment will reject all~~  
9 ~~votes for an office when the number of votes therefor~~  
10 ~~exceeds the number which the voter is entitled to cast and~~  
11 ~~will reject all votes of a voter cast for candidates of more~~  
12 ~~than one party."~~

-End-

Approved by Committee on Judiciary

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 2 INTRODUCED BY KEYSER, BERTELSEN, NATHE, FEDE, VINGER,  
 3 HEMSTAD, UHDE, TROPILA  
 4  
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 23       ~~(b)~~(2) the automatic tabulating equipment may be set  
 24 to reject all votes for any office or measure when the  
 25 number of votes therefor exceeds the number which the voter

1 is entitled to cast or when the voter is not by law entitled  
 2 to cast a vote for the office or measure.

3       ~~(2)~~ Electronic voting systems may be used at primary  
 4 elections provided  
 5       ~~(a)~~ the voter can secretly select the party for which  
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 7       ~~(b)~~ the automatic tabulating equipment will count only  
 8 votes for the candidates of one party; and  
 9       ~~(c)~~ the automatic tabulating equipment will reject all  
 10 votes for an office when the number of votes therefor  
 11 exceeds the number which the voter is entitled to cast and  
 12 will reject all votes of a voter cast for candidates of more  
 13 than one party."

14       SECTION 6, REPEALER, SECTIONS 13-10-209, 13-10-301,  
 15 13-10-311 THROUGH 13-10-314, 13-10-317, AND 13-10-318, MCAs  
 16 ARE REPEALED.

-End-