

HOUSE BILL 536

IN THE HOUSE

February 2, 1979

Introduced and referred to  
Committee on State Adminis-  
tration.

February 14, 1979

Committee recommend bill, do  
not pass.

February 15, 1979

Report adopted.

House BILL NO. 536

INTRODUCED BY Burnett

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; AMENDING SECTIONS 13-10-209, 13-12-205, AND 13-17-206, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 13-10-209, MCA, is amended to read:

"13-10-209. Arrangement of ballots. (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 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:

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

4 (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, in printing ballots for use in any one precinct only one set shall be used and they shall be identical.

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

14 (3) For the purpose of placement on the ballot, the offices of president and vice president shall be considered as a single office, with the person seeking the office of president considered as the candidate, and the offices of governor and lieutenant governor shall be considered as a single office, with the person seeking the office of governor considered as the candidate.

21 (4) Candidates' names shall be arranged in an order to be determined by a drawing by lot, under the offices and under the proper party designation. The drawing shall be conducted by the registrar not less than 30 days before the date of the primary election and as soon as possible.

1 following the close of nominations and receipt of the  
 2 certified list of candidates from the office of the  
 3 secretary of state and in the following manner:

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

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

1 drawings."

2 Section 2. Section 13-12-205, MCA, is amended to read:  
 3 "13-12-205. Arrangement of names -- rotation-on ballot  
 4 prepared by drawing of lot. (1) The candidates' names shall  
 5 be arranged alphabetically on the ballot according to  
 6 surnames under the appropriate title of the respective  
 7 offices:

8 (2) The candidates of the two 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 general elections shall  
 14 constitute the two 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 or more persons are candidates for election  
 22 to the same office, the registrar shall divide the ballot  
 23 forms into sets to provide a substantial rotation of the  
 24 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 name from the top of the  
 6 list for each office and placing the name or number at the  
 7 bottom of the list for each successive set of ballot forms.

8 (c) For the purposes of rotation placement on the  
 9 ballot, the office offices of president and vice president  
 10 shall be considered as a group single office, with the  
 11 person seeking the office of the president considered as the  
 12 candidate, and the offices of governor and lieutenant  
 13 governor shall be considered as a single office, with the  
 14 person seeking the office of governor considered as the  
 15 candidate.

16 (d) No more than one of the sets shall be used in  
 17 printing the ballot for use in any one precinct and all  
 18 ballots furnished for use in any precinct shall be  
 19 identical.

20 (e) Candidates of the two major parties shall be  
 21 rotated so they appear on the ballot before and above any  
 22 candidates of the minor parties or independent candidates.

23 (f) Candidates' names shall be arranged on the ballot  
 24 in an order to be determined by lot, under the offices. The  
 25 party affiliation of each candidate, if any, shall be placed

1 on the ballot by the name of the candidate. The drawing  
 2 shall be conducted by the registrar not less than 30 days  
 3 before the date of the general election in the following  
 4 manner:

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

17 (b) Not less than 10 days prior to the date set for  
 18 the drawing, each party presenting candidates for election  
 19 and each independent candidate shall be notified and public  
 20 notice given by means of a newspaper of general circulation,  
 21 which may be supplemented by radio or television notice of  
 22 the time and place where the drawing for relative positions  
 23 on the ballot will be held. Each party and each independent  
 24 candidate is entitled to have a representative present at  
 25 the drawing. A party representative shall be appointed by

1     the county central committee

2         (3) The registrar shall have the ballot printed so  
 3         that within a county all ballots furnished for the precincts  
 4         within a representative district are identical and all  
 5         ballots furnished for the precincts within a portion of a  
 6         representative district are identical."

7         Section 3. Section 13-17-206, MCA, is amended to read:

8         "13-17-206. Arrangement of ballot. (1) In primary  
 9         elections a separate row or column shall be assigned to each  
 10        political party and at least one row shall separate the rows  
 11        assigned to the two major political parties. This row shall  
 12        be used for the nonpartisan judicial ballot. The placement  
 13        of the nonpartisan judicial ballot shall be such that the  
 14        ballot of each political party appears in an unbroken row or  
 15        column.

16         (2) The candidates for president and vice president  
 17         shall appear on the machine ballot. Presidential electors  
 18         shall not appear on the machine.

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

22         The candidates of the two major parties shall be  
 23         rotated between the first two horizontal rows or vertical  
 24         columns and candidates of minor parties and independent  
 25         candidates shall be rotated between succeeding rows or

1     columns

2         (5) The party designation, if any, of each  
 3         candidate shall appear below his name in type as large as  
 4         machine design will allow.

5         (6) The judicial ballot shall appear in the first  
 6         two horizontal or vertical rows or columns as prescribed by  
 7         13-12-207."

8         Section 4. Severability. If a part of this act is  
 9         invalid, all valid parts that are severable from the invalid  
 10        part remain in effect. If a part of this act is invalid in  
 11        one or more of its applications, the part remains in effect  
 12        in all valid applications that are severable from the  
 13        invalid applications.

14         Section 5. Effective date. This act is effective on  
 15         passage and approval.

-End-