

SENATE BILL 112

IN THE SENATE

January 16, 1979	Introduced and referred to Committee on State Administration.
January 23, 1979	Committee recommend bill, do pass.
January 24, 1979	Printed and placed on members' desks.
January 25, 1979	Second reading, do pass.
January 26, 1979	Considered correctly engrossed.
January 27, 1979	Third reading, passed.

IN THE HOUSE

January 29, 1979	Introduced and referred to Committee on State Administration.
March 2, 1979	Committee recommend bill, concurred.
March 3, 1979	Second reading, concurred.
March 5, 1979	On motion, referred to Committee on State Administration.
March 8, 1979	Committee recommend bill, concurred.
March 9, 1979	On motion, taken from second reading and referred to Committee on Judiciary.
April 20, 1979	Died in Committee.

1 Senate BILL NO. 112
 2 INTRODUCED BY G. Adams
 3 BY REQUEST OF THE CODE COMMISSIONER

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
 6 CLARIFY THE LAWS RELATING TO ELECTIONS; AMENDING SECTIONS
 7 13-2-402, 13-13-102, 13-13-104, 13-13-108, 13-15-501,
 8 13-16-301, 13-16-304, 13-16-305, 13-16-307, 13-16-402,
 9 13-16-403, 13-35-227, AND 13-36-211, MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 13-2-402, MCA, is amended to read:
 13 "13-2-402. Cancellation of registration for other
 14 reasons. The registrar shall cancel any registration card:
 15 (1) at the written request of the person registered;
 16 (2) if a certificate of the death of any elector is
 17 filed or if an elector is reported as deceased by the
 18 department of health and environmental sciences in the
 19 department's reports submitted to the county under
 20 72-16-217;
 21 (3) whenever 45 days or more prior to the closing of
 22 registration, three qualified registered electors residing
 23 within the precinct challenge an elector by filing
 24 affidavits giving the name of the challenged elector, his
 25 registry number, and his residence, and stating of the

1 personal knowledge of the affiant ~~that~~ the person registered
 2 does not reside at the place designated on his registration
 3 card;
 4 (4) whenever the ~~insanity~~ of the elector is ~~legally~~
 5 established of unsound mind as established by a court;
 6 (5) whenever the incarceration of an elector in a
 7 penal institution for a felony conviction is legally
 8 established; or
 9 (6) whenever a certified copy of a court order
 10 directing the cancellation is filed with the registrar."
 11 Section 2. Section 13-13-102, MCA, is amended to read:
 12 "13-13-102. Instruction cards and display of official
 13 ballots. (1) The registrar shall print on cards instructions
 14 to electors on how to vote.
 15 (2) He shall furnish six cards to the election judges
 16 in each precinct and one additional card for each 50
 17 registered electors or fractional part of 50 at the same
 18 time ballots are furnished.
 19 (3) The election judges shall post at least one card
 20 in each compartment provided for the preparation of ballots
 21 and not less than three of the cards elsewhere about the
 22 polling place.
 23 (4) The cards shall contain, in bold large type:
 24 (a) instructions on how to:
 25 (i) obtain ballots for voting;

1 (ii) prepare ballots for deposit in the ballot box;

2 (iii) obtain a new ballot in place of one spoiled by
3 accident; and

4 (b) a copy of 13-35-201; 13-35-202~~(1)~~~~(2)~~~~end-(4)~~
5 ~~13-35-205(1)~~; 13-35-206~~(1)~~~~(2)~~~~end-(8)~~~~13-35-207(5)~~~~(6)~~
6 ~~end-(7)~~; 13-35-211~~(1)~~~~end-(2)~~; 13-35-214; 13-35-217; and
7 13-35-218~~(1)~~~~(3)~~~~end-(4)~~.

8 (5) Official ballots provided for in chapter 12 of
9 this title shall be posted in each booth or compartment and
10 in three conspicuous places about the polling place."

11 Section 3. Section 13-13-104, MCA, is amended to read:

12 "13-13-104. Marking precinct register book before
13 elector votes. (1) The election judges at every primary,
14 general, or special election shall, in the precinct register
15 book, mark ~~a cross-(*)~~ an "x" upon the line opposite the to
16 name of the elector.

17 (2) Before an elector is permitted to vote, the
18 election judges shall require the elector to sign his name
19 on the place designated in the precinct register.

20 (3) The election judges shall require an elector not
21 able to sign his name to produce two electors who shall make
22 an affidavit before one or more of the election judges in a
23 form prescribed by the secretary of state.

24 (4) The affidavit shall be filed by the election
25 judges and returned to the registrar with the returns of the

1 election. One of the judges shall write the elector's name,
2 noting the fact of his inability to sign, and the names of
3 the two electors.

4 (5) If the elector fails or refuses to sign his name
5 and, if unable to write, fails to procure two electors who
6 will take the oath required, he may not vote.

7 (6) Each precinct shall keep a list of persons voting,
8 and the name of each person who votes shall be entered in it
9 and numbered in the order voting. This list is known as the
10 pollbook."

11 Section 4. Section 13-13-108, MCA, is amended to read:

12 "13-13-108. Aid to disabled elector. (1) The election
13 judges shall aid an elector who, because of physical
14 disability or inability to read or write, needs assistance
15 in marking his ballot.

16 (2) The elector shall be assisted by two judges who
17 represent different parties. The disabled elector may
18 request that a qualified elector he designates also aid him
19 in voting. The election judges must certify on the official
20 register opposite the disabled elector's name that the
21 ballot was marked with their assistance and the name of any
22 other elector designated. Neither the judges nor a person
23 who aided the elector may reveal information regarding the
24 ballot.

25 (3) The election judges shall require the declaration

1 of disability by the elector to be under oath. They are
2 authorized to administer the oath.

3 (4) No elector, other than the one who is unable to
4 vote, may divulge to anyone within the polling place the
5 name of any candidate for whom he intends to vote or ask or
6 receive the assistance of any person within the polling
7 place in the preparation of his ballot.

8 (5) Instead of assistance as provided in subsection
9 (2), the elector may request the assistance of any qualified
10 elector whom he designates to the judges to aid him in the
11 marking of his ballot, and the judges must certify on the
12 official register opposite the name of such disabled elector
13 that it was so marked with ~~their~~ the assistance of a
14 designated elector."

15 Section 5. Section 13-15-501, MCA, is amended to read:

16 "13-15-501. State returns, how made and transmitted.

17 (1) After a general or special election, the clerk of the
18 board of county canvassers shall make an abstract of the
19 vote for congressional offices, state or district offices
20 voted for in more than one county, members of the
21 legislature, and judges of the district court.

22 (2) The clerk shall seal the abstract, endorse it
23 "Election Returns", and immediately send it to the secretary
24 of state by certified or registered mail."

25 Section 6. Section 13-16-301, MCA, is amended to read:

1 "13-16-301. Application and court order for recount.

2 (1) Within 5 days after the canvass of election returns, an
3 unsuccessful candidate for any public office at a general,
4 special, or city election may apply to the district court of
5 the county where the election was held for an order
6 directing the ~~canvassing-body~~ county recount board to make a
7 recount of the votes cast in any or all of the precincts.

8 (2) The application shall specify the grounds for a
9 recount and be verified by the applicant that the matters
10 contained in it are true to the best of the applicant's
11 knowledge, information, and belief.

12 (3) Within 5 days after filing of the application, the
13 judge shall hear the application and determine its
14 sufficiency.

15 (4) If the judge finds there is probable cause to
16 believe that the votes cast for the applicant were not
17 correctly counted, he shall order the ~~board~~ of county
18 canvassers recount board to assemble within 5 days after the
19 order is issued at a time and place fixed by the order. The
20 board shall meet and recount the ballots as specified in the
21 order."

22 Section 7. Section 13-16-304, MCA, is amended to read:

23 "13-16-304. Ordering in another judge -- jurisdiction.

24 (1) If the judge of the district court of the county in
25 which the election is held is for any reason disqualified

1 from acting, the judge or a supreme court justice shall
2 order another district judge to hear and determine the
3 application.

4 (2) The district court shall not lose jurisdiction of
5 the case by failure to hear and determine the application
6 within the prescribed time but shall retain jurisdiction
7 until the cause is finally determined and the final count is
8 made by the county recount board of ~~county canvassers~~."

9 Section 8. Section 13-16-305, MCA, is amended to read:

10 "13-16-305. Limitation of recount to certain
11 precincts. (1) If the application asks for a recount in more
12 than one precinct but there are not sufficient grounds for a
13 recount in all precincts, the court shall order a recount
14 only in the precincts for which sufficient grounds are
15 stated and shown.

16 (2) The county recount board of ~~canvassers~~ shall
17 recount votes only in those precincts and for those offices
18 specified in the court order."

19 Section 9. Section 13-16-307, MCA, is amended to read:

20 "13-16-307. Expenses of court-ordered recount. (1) The
21 court in its order shall determine the probable expense of
22 making the recount, and the applicant or applicants asking
23 for the recount shall deposit with the board the amount
24 determined in cash.

25 (2) If the recount shows that the applicant or

1 applicants have been elected to the office, the deposit of
2 each applicant shall be returned to him.

3 (3) If the recount shows that an applicant has not
4 been elected and the expense of the recount is greater than
5 the estimated cost, the applicant shall pay the excess; but
6 if the expense is less than the cost, the difference shall
7 be refunded to the applicant.

8 (4) Members of the ~~canvassing~~ county recount board and
9 their clerks shall be compensated for their time spent in
10 ~~canvassing~~ conducting the recount."

11 Section 10. Section 13-16-402, MCA, is amended to
12 read:

13 "13-16-402. Manner of recounting ballots. The county
14 recount board of ~~canvassers~~ in recounting the ballots shall
15 count, at the same time, the votes cast in the precincts in
16 which a recount is ordered for the several candidates in
17 whose behalf a recount is ordered in the following manner:

18 (1) The registrar shall produce, unopened, unless it
19 is necessary for the registrar to open the package or
20 envelope to secure election materials which have been sealed
21 in the wrong envelope or package, the sealed package or
22 envelope received from the election judges of the precinct
23 or precincts in which a recount is ordered, containing all
24 ballots voted in the precinct or precincts.

25 (2) A member of the county recount board of ~~county~~

1 canvassers shall open the sealed package or envelope in the
2 presence of the other members, the registrar, and the
3 applicant or applicants seeking the recount.

4 (3) A member of the board shall then remove the
5 ballots from the package or envelope in the presence of the
6 applicant or applicants seeking the recount and the
7 candidate or candidates who received the highest number of
8 votes by the first canvass.

9 (4) One of the members of the board, in the presence
10 and view of the candidates and one other board member, shall
11 read each ballot aloud. As the ballots are read, two clerks
12 shall write the votes cast for each person in each precinct,
13 at full length, on previously prepared tally sheets. The
14 tally sheets shall show the names of the respective
15 candidates, the office or offices for which a recount is
16 made, and the number of each election precinct.

17 (5) At the completion of the recount, the tally sheets
18 shall be compared, their correctness ascertained, and the
19 total number of votes cast for each candidate determined.

20 (6) If the recount shows the votes for any applicant
21 are more or less than the number shown upon the official
22 returns, the clerk of the board ~~of canvassers~~ shall correct
23 the original returns to state the number of votes
24 ascertained by the recount.

25 (7) The board ~~of canvassers~~ shall direct the clerk of

1 ~~the board~~ to enter the result of the election as determined
2 by the recount on the board records."

3 Section 11. Section 13-16-403, MCA, is amended to
4 read:

5 "13-16-403. Sealing recounted ballots. When the
6 recount in a precinct has been finished, the ballots shall
7 again be sealed in the same package or envelope in the
8 presence of the registrar and the members of the county
9 ~~recount~~ board ~~of canvassers~~ and shall be delivered to the
10 registrar for custody."

11 Section 12. Section 13-35-227, MCA, is amended to
12 read:

13 "13-35-227. Contributions from corporations, public
14 utilities, and others. No corporation, bank, savings bank,
15 cooperative bank, savings and loan association, trust,
16 surety, indemnity, safe deposit, insurance, railroad, street
17 railway, telegraph, telephone, gas, electric light, heat,
18 power, canal, aqueduct, water, or cemetery or crematory
19 company or any company having the right to take or condemn
20 land or to exercise franchises in public ways granted by the
21 state or by any county, city, or town shall ~~may~~ pay or
22 contribute in order to aid, promote, or prevent the
23 nomination or election of any person or in order to aid or
24 promote the interests, success, or defeat of any political
25 party, or organization, ~~or ballot issue~~. No person shall

1 ~~may~~ solicit or receive such payment or contribution from
2 such corporation."

3 Section 13. Section 13-36-211, MCA, is amended to
4 read:

5 "13-36-211. When nomination or election not to be
6 vacated. Nothing in the ~~third~~ ground of contest specified in
7 13-36-101(3) is to be so construed as to authorize a
8 nomination or election to be set aside on account of illegal
9 votes, unless it ~~appears~~ appears either:

10 (1) that the candidate or nominee whose right is
11 contested had knowledge of or connived at such illegal
12 votes; or

13 (2) that the number of illegal votes given to the
14 person whose right to the nomination or office is contested,
15 if taken from him, would reduce the number of his legal
16 votes below the number of votes given to some other person
17 for the same nomination or office, after deducting therefrom
18 the illegal votes which may be shown to have been given to
19 such other person."

20 Section 14. Severability. If a part of this act is
21 invalid, all valid parts that are severable from the invalid
22 part remain in effect. If a part of this act is invalid in
23 one or more of its applications, the part remains in effect
24 in all valid applications that are severable from the
25 invalid applications.

Approved by Committee
on State Administration

Amata BILL NO. *112*

INTRODUCED BY *S. Shum*

BY REQUEST OF THE CODE COMMISSIONER

A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND CLARIFY THE LAWS RELATING TO ELECTIONS; AMENDING SECTIONS 13-2-402, 13-13-102, 13-13-104, 13-13-108, 13-15-501, 13-16-301, 13-16-304, 13-16-305, 13-16-307, 13-16-402, 13-16-403, 13-35-227, AND 13-36-211, MCA."

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

Section 1. Section 13-2-402, MCA, is amended to read:

"13-2-402. Cancellation of registration for other reasons. The registrar shall cancel any registration card:

(1) at the written request of the person registered;

(2) if a certificate of the death of any elector is filed or if an elector is reported as deceased by the department of health and environmental sciences in the department's reports submitted to the county under 72-16-217;

(3) whenever 45 days or more prior to the closing of registration, three qualified registered electors residing within the precinct challenge an elector by filing affidavits giving the name of the challenged elector, his registry number, and his residence, and stating of the

personal knowledge of the affiant that the person registered does not reside at the place designated on his registration card;

(4) whenever ~~the insanity~~ of the elector is ~~legally~~ established of unsound mind as established by a court;

(5) whenever the incarceration of an elector in a penal institution for a felony conviction is legally established; or

(6) whenever a certified copy of a court order directing the cancellation is filed with the registrar."

Section 2. Section 13-13-102, MCA, is amended to read:

"13-13-102. Instruction cards and display of official ballots. (1) The registrar shall print on cards instructions to electors on how to vote.

(2) He shall furnish six cards to the election judges in each precinct and one additional card for each 50 registered electors or fractional part of 50 at the same time ballots are furnished.

(3) The election judges shall post at least one card in each compartment provided for the preparation of ballots and not less than three of the cards elsewhere about the polling place.

(4) The cards shall contain, in bold large type:

(a) instructions on how to:

(i) obtain ballots for voting;

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1 (ii) prepare ballots for deposit in the ballot box;

2 (iii) obtain a new ballot in place of one spoiled by

3 accident; and

4 (b) a copy of 13-35-201; 13-35-202~~(1)~~~~(2)~~~~end-(4)~~

5 ~~13-35-205(1)~~; 13-35-206~~(1)~~~~(2)~~~~end-(8)~~~~13-35-207(5)~~~~(6)~~

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9 this title shall be posted in each booth or compartment and

10 in three conspicuous places about the polling place."

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13 elector votes. (1) The election judges at every primary,

14 general, or special election shall, in the precinct register

15 book, mark ~~a cross~~ ~~(*)~~ an "x" upon the line opposite the to

16 name of the elector.

17 (2) Before an elector is permitted to vote, the

18 election judges shall require the elector to sign his name

19 on the place designated in the precinct register.

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21 able to sign his name to produce two electors who shall make

22 an affidavit before one or more of the election judges in a

23 form prescribed by the secretary of state.

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25 judges and returned to the registrar with the returns of the

1 election. One of the judges shall write the elector's name,

2 noting the fact of his inability to sign, and the names of

3 the two electors.

4 (5) If the elector fails or refuses to sign his name

5 and, if unable to write, fails to procure two electors who

6 will take the oath required, he may not vote.

7 (6) Each precinct shall keep a list of persons voting,

8 and the name of each person who votes shall be entered in it

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21 ballot was marked with their assistance and the name of any

22 other elector designated. Neither the judges nor a person

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24 ballot.

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4 vote, may divulge to anyone within the polling place the
5 name of any candidate for whom he intends to vote or ask or
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10 elector whom he designates to ~~the~~ judges to aid him in the
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14 designated elector."

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18 board of county canvassers shall make an abstract of the
19 vote for congressional offices, state or district offices
20 voted for in more than one county, members of the
21 legislature, and judges of the district court.

22 (2) The clerk shall seal the abstract, endorse it
23 "Election Returns", and immediately send it to the secretary
24 of state by certified or registered mail."

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1 "13-16-301. Application and court order for recount.
2 (1) Within 5 days after the canvass of election returns, an
3 unsuccessful candidate for any public office at a general,
4 special, or city election may apply to the district court of
5 the county where the election was held for an order
6 directing the ~~canvassing-body~~ county recount board to make a
7 recount of the votes cast in any or all of the precincts.

8 (2) The application shall specify the grounds for a
9 recount and be verified by the applicant that the matters
10 contained in it are true to the best of the applicant's
11 knowledge, information, and belief.

12 (3) Within 5 days after filing of the application, the
13 judge shall hear the application and determine its
14 sufficiency.

15 (4) If the judge finds there is probable cause to
16 believe that the votes cast for the applicant were not
17 correctly counted, he shall order the ~~board of~~ county
18 ~~canvassers~~ recount board to assemble within 5 days after the
19 order is issued at a time and place fixed by the order. The
20 board shall meet and recount the ballots as specified in the
21 order."

22 Section 7. Section 13-16-304, MCA, is amended to read:

23 "13-16-304. Ordering in another judge — jurisdiction.

24 (1) If the judge of the district court of the county in
25 which the election is held is for any reason disqualified

1 from acting, the judge or a supreme court justice shall
2 order another district judge to hear and determine the
3 application.

4 (2) The district court shall not lose jurisdiction of
5 the case by failure to hear and determine the application
6 within the prescribed time but shall retain jurisdiction
7 until the cause is finally determined and the final count is
8 made by the county recount board of ~~county canvassers.~~"

9 Section 8. Section 13-16-305, MCA, is amended to read:

10 "13-16-305. Limitation of recount to certain
11 precincts. (1) If the application asks for a recount in more
12 than one precinct but there are not sufficient grounds for a
13 recount in all precincts, the court shall order a recount
14 only in the precincts for which sufficient grounds are
15 stated and shown.

16 (2) The county recount board of ~~canvassers~~ shall
17 recount votes only in those precincts and for those offices
18 specified in the court order."

19 Section 9. Section 13-16-307, MCA, is amended to read:

20 "13-16-307. Expenses of court-ordered recount. (1) The
21 court in its order shall determine the probable expense of
22 making the recount, and the applicant or applicants asking
23 for the recount shall deposit with the board the amount
24 determined in cash.

25 (2) If the recount shows that the applicant or

1 applicants have been elected to the office, the deposit of
2 each applicant shall be returned to him.

3 (3) If the recount shows that an applicant has not
4 been elected and the expense of the recount is greater than
5 the estimated cost, the applicant shall pay the excess; but
6 if the expense is less than the cost, the difference shall
7 be refunded to the applicant.

8 (4) Members of the canvassing county recount board and
9 their clerks shall be compensated for their time spent in
10 canvassing conducting the recount."

11 Section 10. Section 13-16-402, MCA, is amended to
12 read:

13 "13-16-402. Manner of recounting ballots. The county
14 recount board of ~~canvassers~~ in recounting the ballots shall
15 count, at the same time, the votes cast in the precincts in
16 which a recount is ordered for the several candidates in
17 whose behalf a recount is ordered in the following manner:

18 (1) The registrar shall produce, unopened, unless it
19 is necessary for the registrar to open the package or
20 envelope to secure election materials which have been sealed
21 in the wrong envelope or package, the sealed package or
22 envelope received from the election judges of the precinct
23 or precincts in which a recount is ordered, containing all
24 ballots voted in the precinct or precincts.

25 (2) A member of the county recount board of ~~county~~

1 ~~convassers~~ shall open the sealed package or envelope in the
2 presence of the other members, the registrar, and the
3 applicant or applicants seeking the recount.

4 (3) A member of the board shall then remove the
5 ballots from the package or envelope in the presence of the
6 applicant or applicants seeking the recount and the
7 candidate or candidates who received the highest number of
8 votes by the first canvass.

9 (4) One of the members of the board, in the presence
10 and view of the candidates and one other board member, shall
11 read each ballot aloud. As the ballots are read, two clerks
12 shall write the votes cast for each person in each precinct,
13 at full length, on previously prepared tally sheets. The
14 tally sheets shall show the names of the respective
15 candidates, the office or offices for which a recount is
16 made, and the number of each election precinct.

17 (5) At the completion of the recount, the tally sheets
18 shall be compared, their correctness ascertained, and the
19 total number of votes cast for each candidate determined.

20 (6) If the recount shows the votes for any applicant
21 are more or less than the number shown upon the official
22 returns, the clerk of the board ~~of convassers~~ shall correct
23 the original returns to state the number of votes
24 ascertained by the recount.

25 (7) The board ~~of convassers~~ shall direct the clerk of

1 ~~the board~~ to enter the result of the election as determined
2 by the recount on the board records."

3 Section 11. Section 13-16-403, MCA, is amended to
4 read:

5 "13-16-403. Sealing recounted ballots. When the
6 recount in a precinct has been finished, the ballots shall
7 again be sealed in the same package or envelope in the
8 presence of the registrar and the members of the county
9 ~~recount~~ board ~~of convassers~~ and shall be delivered to the
10 registrar for custody."

11 Section 12. Section 13-35-227, MCA, is amended to
12 read:

13 "13-35-227. Contributions from corporations, public
14 utilities, and others. No corporation, bank, savings bank,
15 cooperative bank, savings and loan association, trust,
16 surety, indemnity, safe deposit, insurance, railroad, street
17 railway, telegraph, telephone, gas, electric light, heat,
18 power, canal, aqueduct, water, or cemetery or crematory
19 company or any company having the right to take or condemn
20 land or to exercise franchises in public ways granted by the
21 state or by any county, city, or town shall ~~may~~ pay or
22 contribute in order to aid, promote, or prevent the
23 nomination or election of any person or in order to aid or
24 promote the interests, success, or defeat of any political
25 party or organization ~~or ballot issue~~. No person shall

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1 may solicit or receive such payment or contribution from
2 such corporation."

3 Section 13. Section 13-36-211, MCA, is amended to
4 read:

5 "13-36-211. When nomination or election not to be
6 vacated. Nothing in the third ground of contest specified in
7 13-36-101(3) is to be so construed as to authorize a
8 nomination or election to be set aside on account of illegal
9 votes, unless it appears either:

10 (1) that the candidate or nominee whose right is
11 contested had knowledge of or connived at such illegal
12 votes; or

13 (2) that the number of illegal votes given to the
14 person whose right to the nomination or office is contested,
15 if taken from him, would reduce the number of his legal
16 votes below the number of votes given to some other person
17 for the same nomination or office, after deducting therefrom
18 the illegal votes which may be shown to have been given to
19 such other person."

20 Section 14. Severability. If a part of this act is
21 invalid, all valid parts that are severable from the invalid
22 part remain in effect. If a part of this act is invalid in
23 one or more of its applications, the part remains in effect
24 in all valid applications that are severable from the
25 invalid applications.

1 *Senate* BILL NO. *112*
 2 INTRODUCED BY *Grubbs*
 3 BY REQUEST OF THE CODE COMMISSIONER

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
 6 CLARIFY THE LAWS RELATING TO ELECTIONS; AMENDING SECTIONS
 7 13-2-402, 13-13-102, 13-13-104, 13-13-108, 13-15-501,
 8 13-16-301, 13-16-304, 13-16-305, 13-16-307, 13-16-402,
 9 13-16-403, 13-35-227, AND 13-36-211, MCA."

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

12 Section 1. Section 13-2-402, MCA, is amended to read:

13 "13-2-402. Cancellation of registration for other
 14 reasons. The registrar shall cancel any registration card:

15 (1) at the written request of the person registered;

16 (2) if a certificate of the death of any elector is
 17 filed or if an elector is reported as deceased by the
 18 department of health and environmental sciences in the
 19 department's reports submitted to the county under
 20 72-16-217;

21 (3) whenever 45 days or more prior to the closing of
 22 registration, three qualified registered electors residing
 23 within the precinct challenge an elector by filing
 24 affidavits giving the name of the challenged elector, his
 25 registry number, and his residence, and stating of the

1 personal knowledge of the affiant ~~that~~ the person registered
 2 does not reside at the place designated on his registration
 3 card;

4 (4) whenever ~~the insanity~~ of the elector is ~~legally~~
 5 established of unsound mind as established by a court;

6 (5) whenever the incarceration of an elector in a
 7 penal institution for a felony conviction is legally
 8 established; or

9 (6) whenever a certified copy of a court order
 10 directing the cancellation is filed with the registrar."

11 Section 2. Section 13-13-102, MCA, is amended to read:

12 "13-13-102. Instruction cards and display of official
 13 ballots. (1) The registrar shall print on cards instructions
 14 to electors on how to vote.

15 (2) He shall furnish six cards to the election judges
 16 in each precinct and one additional card for each 50
 17 registered electors or fractional part of 50 at the same
 18 time ballots are furnished.

19 (3) The election judges shall post at least one card
 20 in each compartment provided for the preparation of ballots
 21 and not less than three of the cards elsewhere about the
 22 polling place.

23 (4) The cards shall contain, in bold large type:

24 (a) instructions on how to:

25 (i) obtain ballots for voting;

1 (ii) prepare ballots for deposit in the ballot box;

2 (iii) obtain a new ballot in place of one spoiled by

3 accident; and

4 (b) a copy of 13-35-201; 13-35-202~~(1)~~~~(2)~~~~and~~~~(4)~~

5 ~~13-35-205(1)~~; 13-35-206~~(1)~~~~(2)~~~~and~~~~(8)~~~~13-35-207(5)~~~~(6)~~

6 ~~and~~~~(7)~~; 13-35-211~~(1)~~~~and~~~~(2)~~; 13-35-214; 13-35-217; and

7 13-35-218~~(1)~~~~(3)~~~~and~~~~(4)~~.

8 (5) Official ballots provided for in chapter 12 of

9 this title shall be posted in each booth or compartment and

10 in three conspicuous places about the polling place."

11 Section 3. Section 13-13-104, MCA, is amended to read:

12 "13-13-104. Marking precinct register book before

13 elector votes. (1) The election judges at every primary,

14 general, or special election shall, in the precinct register

15 book, mark ~~o-cross~~~~(#)~~ an "x" upon the line opposite the to

16 name of the elector.

17 (2) Before an elector is permitted to vote, the

18 election judges shall require the elector to sign his name

19 on the place designated in the precinct register.

20 (3) The election judges shall require an elector not

21 able to sign his name to produce two electors who shall make

22 an affidavit before one or more of the election judges in a

23 form prescribed by the secretary of state.

24 (4) The affidavit shall be filed by the election

25 judges and returned to the registrar with the returns of the

1 election. One of the judges shall write the elector's name,

2 noting the fact of his inability to sign, and the names of

3 the two electors.

4 (5) If the elector fails or refuses to sign his name

5 and, if unable to write, fails to procure two electors who

6 will take the oath required, he may not vote.

7 (6) Each precinct shall keep a list of persons voting,

8 and the name of each person who votes shall be entered in it

9 and numbered in the order voting. This list is known as the

10 pollbook."

11 Section 4. Section 13-13-108, MCA, is amended to read:

12 "13-13-108. Aid to disabled elector. (1) The election

13 judges shall aid an elector who, because of physical

14 disability or inability to read or write, needs assistance

15 in marking his ballot.

16 (2) The elector shall be assisted by two judges who

17 represent different parties. The disabled elector may

18 request that a qualified elector he designates also aid him

19 in voting. The election judges must certify on the official

20 register opposite the disabled elector's name that the

21 ballot was marked with their assistance and the name of any

22 other elector designated. Neither the judges nor a person

23 who aided the elector may reveal information regarding the

24 ballot.

25 (3) The election judges shall require the declaration

1 of disability by the elector to be under oath. They are
2 authorized to administer the oath.

3 (4) No elector, other than the one who is unable to
4 vote, may divulge to anyone within the polling place the
5 name of any candidate for whom he intends to vote or ask or
6 receive the assistance of any person within the polling
7 place in the preparation of his ballot.

8 (5) Instead of assistance as provided in subsection
9 (2), the elector may request the assistance of any qualified
10 elector whom he designates to the judges to aid him in the
11 marking of his ballot, and the judges must certify on the
12 official register opposite the name of such disabled elector
13 that it was so marked with their the assistance of a
14 designated elector."

15 Section 5. Section 13-15-501, MCA, is amended to read:

16 "13-15-501. State returns, how made and transmitted.

17 (1) After a general or special election, the clerk of the
18 board of county canvassers shall make an abstract of the
19 vote for congressional offices, state or district offices
20 voted for in more than one county, members of the
21 legislature, and judges of the district court.

22 (2) The clerk shall seal the abstract, endorse it
23 "Election Returns", and immediately send it to the secretary
24 of state by certified or registered mail."

25 Section 6. Section 13-16-301, MCA, is amended to read:

1 "13-16-301. Application and court order for recount.

2 (1) Within 5 days after the canvass of election returns, an
3 unsuccessful candidate for any public office at a general,
4 special, or city election may apply to the district court of
5 the county where the election was held for an order
6 directing the ~~canvassing-body~~ county recount board to make a
7 recount of the votes cast in any or all of the precincts.

8 (2) The application shall specify the grounds for a
9 recount and be verified by the applicant that the matters
10 contained in it are true to the best of the applicant's
11 knowledge, information, and belief.

12 (3) Within 5 days after filing of the application, the
13 judge shall hear the application and determine its
14 sufficiency.

15 (4) If the judge finds there is probable cause to
16 believe that the votes cast for the applicant were not
17 correctly counted, he shall order the ~~board-of~~ county
18 ~~canvassers~~ recount board to assemble within 5 days after the
19 order is issued at a time and place fixed by the order. The
20 board shall meet and recount the ballots as specified in the
21 order."

22 Section 7. Section 13-16-304, MCA, is amended to read:

23 "13-16-304. Ordering in another judge -- jurisdiction.

24 (1) If the judge of the district court of the county in
25 which the election is held is for any reason disqualified

1 from acting, the judge or a supreme court justice shall
2 order another district judge to hear and determine the
3 application.

4 (2) The district court shall not lose jurisdiction of
5 the case by failure to hear and determine the application
6 within the prescribed time but shall retain jurisdiction
7 until the cause is finally determined and the final count is
8 made by the county recount board of ~~county canvassers~~."

9 Section 8. Section 13-16-305, MCA, is amended to read:

10 "13-16-305. Limitation of recount to certain
11 precincts. (1) If the application asks for a recount in more
12 than one precinct but there are not sufficient grounds for a
13 recount in all precincts, the court shall order a recount
14 only in the precincts for which sufficient grounds are
15 stated and shown.

16 (2) The county recount board of ~~canvassers~~ shall
17 recount votes only in those precincts and for those offices
18 specified in the court order."

19 Section 9. Section 13-16-307, MCA, is amended to read:

20 "13-16-307. Expenses of court-ordered recount. (1) The
21 court in its order shall determine the probable expense of
22 making the recount, and the applicant or applicants asking
23 for the recount shall deposit with the board the amount
24 determined in cash.

25 (2) If the recount shows that the applicant or

1 applicants have been elected to the office, the deposit of
2 each applicant shall be returned to him.

3 (3) If the recount shows that an applicant has not
4 been elected and the expense of the recount is greater than
5 the estimated cost, the applicant shall pay the excess; but
6 if the expense is less than the cost, the difference shall
7 be refunded to the applicant.

8 (4) Members of the canvassing county recount board and
9 their clerks shall be compensated for their time spent in
10 canvassing conducting the recount."

11 Section 10. Section 13-16-402, MCA, is amended to
12 read:

13 "13-16-402. Manner of recounting ballots. The county
14 recount board of ~~canvassers~~ in recounting the ballots shall
15 count, at the same time, the votes cast in the precincts in
16 which a recount is ordered for the several candidates in
17 whose behalf a recount is ordered in the following manner:

18 (1) The registrar shall produce, unopened, unless it
19 is necessary for the registrar to open the package or
20 envelope to secure election materials which have been sealed
21 in the wrong envelope or package, the sealed package or
22 envelope received from the election judges of the precinct
23 or precincts in which a recount is ordered, containing all
24 ballots voted in the precinct or precincts.

25 (2) A member of the county recount board of ~~county~~

1 canvassers shall open the sealed package or envelope in the
2 presence of the other members, the registrar, and the
3 applicant or applicants seeking the recount.

4 (3) A member of the board shall then remove the
5 ballots from the package or envelope in the presence of the
6 applicant or applicants seeking the recount and the
7 candidate or candidates who received the highest number of
8 votes by the first canvass.

9 (4) One of the members of the board, in the presence
10 and view of the candidates and one other board member, shall
11 read each ballot aloud. As the ballots are read, two clerks
12 shall write the votes cast for each person in each precinct,
13 at full length, on previously prepared tally sheets. The
14 tally sheets shall show the names of the respective
15 candidates, the office or offices for which a recount is
16 made, and the number of each election precinct.

17 (5) At the completion of the recount, the tally sheets
18 shall be compared, their correctness ascertained, and the
19 total number of votes cast for each candidate determined.

20 (6) If the recount shows the votes for any applicant
21 are more or less than the number shown upon the official
22 returns, the clerk of the board of ~~canvassers~~ shall correct
23 the original returns to state the number of votes
24 ascertained by the recount.

25 (7) The board of ~~canvassers~~ shall direct the clerk of

1 ~~the board~~ to enter the result of the election as determined
2 by the recount on the board records."

3 Section 11. Section 13-16-403, MCA, is amended to
4 read:

5 "13-16-403. Sealing recounted ballots. When the
6 recount in a precinct has been finished, the ballots shall
7 again be sealed in the same package or envelope in the
8 presence of the registrar and the members of the ~~county~~
9 ~~recount~~ board of ~~canvassers~~ and shall be delivered to the
10 registrar for custody."

11 Section 12. Section 13-35-227, MCA, is amended to
12 read:

13 "13-35-227. Contributions from corporations, public
14 utilities, and others. No corporation, bank, savings bank,
15 cooperative bank, savings and loan association, trust,
16 surety, indemnity, safe deposit, insurance, railroad, street
17 railway, telegraph, telephone, gas, electric light, heat,
18 power, canal, aqueduct, water, or cemetery or crematory
19 company or any company having the right to take or condemn
20 land or to exercise franchises in public ways granted by the
21 state or by any county, city, or town shall ~~may~~ pay or
22 contribute in order to aid, promote, or prevent the
23 nomination or election of any person or in order to aid or
24 promote the interests, success, or defeat of any political
25 party or organization ~~or ballot issue~~. No person shall

1 may solicit or receive such payment or contribution from
2 such corporation."

3 Section 13. Section 13-36-211, MCA, is amended to
4 read:

5 "13-36-211. When nomination or election not to be
6 vacated. Nothing in the third ground of contest specified in
7 13-36-101(3) is to be so construed as to authorize a
8 nomination or election to be set aside on account of illegal
9 votes, unless it appear appears either:

10 (1) that the candidate or nominee whose right is
11 contested had knowledge of or connived at such illegal
12 votes; or

13 (2) that the number of illegal votes given to the
14 person whose right to the nomination or office is contested,
15 if taken from him, would reduce the number of his legal
16 votes below the number of votes given to some other person
17 for the same nomination or office, after deducting therefrom
18 the illegal votes which may be shown to have been given to
19 such other person."

20 Section 14. Severability. If a part of this act is
21 invalid, all valid parts that are severable from the invalid
22 part remain in effect. If a part of this act is invalid in
23 one or more of its applications, the part remains in effect
24 in all valid applications that are severable from the
25 invalid applications.

1 SENATE BILL NO. 112
 2 INTRODUCED BY GRAHAM
 3 BY REQUEST OF THE CODE COMMISSIONER
 4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND
 6 CLARIFY THE LAWS RELATING TO ELECTIONS; AMENDING SECTIONS
 7 13-2-402, 13-13-102, 13-13-104, 13-13-108, 13-15-501,
 8 13-16-301, 13-16-304, 13-16-305, 13-16-307, 13-16-402,
 9 13-16-403, 13-35-227, AND 13-36-211, MCA."
 10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 13-2-402, MCA, is amended to read:
 13 "13-2-402. Cancellation of registration for other
 14 reasons. The registrar shall cancel any registration card:
 15 (1) at the written request of the person registered;
 16 (2) if a certificate of the death of any elector is
 17 filed or if an elector is reported as deceased by the
 18 department of health and environmental sciences in the
 19 department's reports submitted to the county under
 20 72-16-217;
 21 (3) whenever 45 days or more prior to the closing of
 22 registration, three qualified registered electors residing
 23 within the precinct challenge an elector by filing
 24 affidavits giving the name of the challenged elector, his
 25 registry number, and his residence, and stating of the

1 personal knowledge of the affiant ~~that~~ the person registered
 2 does not reside at the place designated on his registration
 3 card;
 4 (4) whenever the--insanity--of the elector is legally
 5 ~~established of unsound mind as established by a court;~~
 6 (5) whenever the incarceration of an elector in a
 7 penal institution for a felony conviction is legally
 8 established; or
 9 (6) whenever a certified copy of a court order
 10 directing the cancellation is filed with the registrar."
 11 Section 2. Section 13-13-102, MCA, is amended to read:
 12 "13-13-102. Instruction cards and display of official
 13 ballots. (1) The registrar shall print on cards instructions
 14 to electors on how to vote.
 15 (2) He shall furnish six cards to the election judges
 16 in each precinct and one additional card for each 50
 17 registered electors or fractional part of 50 at the same
 18 time ballots are furnished.
 19 (3) The election judges shall post at least one card
 20 in each compartment provided for the preparation of ballots
 21 and not less than three of the cards elsewhere about the
 22 polling place.
 23 (4) The cards shall contain, in bold large type:
 24 (a) instructions on how to:
 25 (i) obtain ballots for voting;

1 (ii) prepare ballots for deposit in the ballot box;
 2 (iii) obtain a new ballot in place of one spoiled by
 3 accident; and

4 (b) a copy of 13-35-201; 13-35-202~~(1)~~~~(2)~~~~end-(4)~~
 5 ~~13-35-205(1)~~; 13-35-206~~(1)~~~~(2)~~~~end-(8)~~~~13-35-207(5)~~~~(6)~~
 6 ~~end-(7)~~; 13-35-211~~(1)~~~~end--(2)~~; 13-35-214; 13-35-217; and
 7 13-35-218~~(1)~~~~(3)~~~~end-(4)~~.

8 (5) Official ballots provided for in chapter 12 of
 9 this title shall be posted in each booth or compartment and
 10 in three conspicuous places about the polling place."

11 Section 3. Section 13-13-104, MCA, is amended to read:

12 "13-13-104. Marking precinct register book before
 13 elector votes. (1) The election judges at every primary,
 14 general, or special election shall, in the precinct register
 15 book, mark ~~e-cross-(x)~~ an "x" upon the line opposite the to
 16 name of the elector.

17 (2) Before an elector is permitted to vote, the
 18 election judges shall require the elector to sign his name
 19 on the place designated in the precinct register.

20 (3) The election judges shall require an elector not
 21 able to sign his name to produce two electors who shall make
 22 an affidavit before one or more of the election judges in a
 23 form prescribed by the secretary of state.

24 (4) The affidavit shall be filed by the election
 25 judges and returned to the registrar with the returns of the

1 election. One of the judges shall write the elector's name,
 2 noting the fact of his inability to sign, and the names of
 3 the two electors.

4 (5) If the elector fails or refuses to sign his name
 5 and, if unable to write, fails to procure two electors who
 6 will take the oath required, he may not vote.

7 (6) Each precinct shall keep a list of persons voting,
 8 and the name of each person who votes shall be entered in it
 9 and numbered in the order voting. This list is known as the
 10 pollbook."

11 Section 4. Section 13-13-108, MCA, is amended to read:

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 13 judges shall aid an elector who, because of physical
 14 disability or inability to read or write, needs assistance
 15 in marking his ballot.

16 (2) The elector shall be assisted by two judges who
 17 represent different parties. The disabled elector may
 18 request that a qualified elector he designates also aid him
 19 in voting. The election judges must certify on the official
 20 register opposite the disabled elector's name that the
 21 ballot was marked with their assistance and the name of any
 22 other elector designated. Neither the judges nor a person
 23 who aided the elector may reveal information regarding the
 24 ballot.

25 (3) The election judges shall require the declaration

1 of disability by the elector to be under oath. They are
2 authorized to administer the oath.

3 (4) No elector, other than the one who is unable to
4 vote, may divulge to anyone within the polling place the
5 name of any candidate for whom he intends to vote or ask or
6 receive the assistance of any person within the polling
7 place in the preparation of his ballot.

8 (5) Instead of assistance as provided in subsection
9 (2), the elector may request the assistance of any qualified
10 elector whom he designates to the judges to aid him in the
11 marking of his ballot, and the judges must certify on the
12 official register opposite the name of such disabled elector
13 that it was so marked with ~~their~~ the assistance of a
14 designated elector."

15 Section 5. Section 13-15-501, MCA, is amended to read:

16 "13-15-501. State returns, how made and transmitted.

17 (1) After a general or special election, the clerk of the
18 board of county canvassers shall make an abstract of the
19 vote for congressional offices, state or district offices
20 voted for in more than one county, members of the
21 legislature, and judges of the district court.

22 (2) The clerk shall seal the abstract, endorse it
23 "Election Returns", and immediately send it to the secretary
24 of state by certified or registered mail."

25 Section 6. Section 13-16-301, MCA, is amended to read:

1 "13-16-301. Application and court order for recount.
2 (1) Within 5 days after the canvass of election returns, an
3 unsuccessful candidate for any public office at a general,
4 special, or city election may apply to the district court of
5 the county where the election was held for an order
6 directing the ~~canvassing-body~~ county recount board to make a
7 recount of the votes cast in any or all of the precincts.

8 (2) The application shall specify the grounds for a
9 recount and be verified by the applicant that the matters
10 contained in it are true to the best of the applicant's
11 knowledge, information, and belief.

12 (3) Within 5 days after filing of the application, the
13 judge shall hear the application and determine its
14 sufficiency.

15 (4) If the judge finds there is probable cause to
16 believe that the votes cast for the applicant were not
17 correctly counted, he shall order the ~~board--of~~ county
18 ~~canvassers~~ recount board to assemble within 5 days after the
19 order is issued at a time and place fixed by the order. The
20 board shall meet and recount the ballots as specified in the
21 order."

22 Section 7. Section 13-16-304, MCA, is amended to read:

23 "13-16-304. Ordering in another judge -- jurisdiction.

24 (1) If the judge of the district court of the county in
25 which the election is held is for any reason disqualified

1 from acting, the judge or a supreme court justice shall
2 order another district judge to hear and determine the
3 application.

4 (2) The district court shall not lose jurisdiction of
5 the case by failure to hear and determine the application
6 within the prescribed time but shall retain jurisdiction
7 until the cause is finally determined and the final count is
8 made by the county recount board of--county--convessers."

9 Section 8. Section 13-16-305, MCA, is amended to read:

10 "13-16-305. Limitation of recount to certain
11 precincts. (1) If the application asks for a recount in more
12 than one precinct but there are not sufficient grounds for a
13 recount in all precincts, the court shall order a recount
14 only in the precincts for which sufficient grounds are
15 stated and shown.

16 (2) The county recount board of--convessers shall
17 recount votes only in those precincts and for those offices
18 specified in the court order."

19 Section 9. Section 13-16-307, MCA, is amended to read:

20 "13-16-307. Expenses of court-ordered recount. (1) The
21 court in its order shall determine the probable expense of
22 making the recount, and the applicant or applicants asking
23 for the recount shall deposit with the board the amount
24 determined in cash.

25 (2) If the recount shows that the applicant or

1 applicants have been elected to the office, the deposit of
2 each applicant shall be returned to him.

3 (3) If the recount shows that an applicant has not
4 been elected and the expense of the recount is greater than
5 the estimated cost, the applicant shall pay the excess; but
6 if the expense is less than the cost, the difference shall
7 be refunded to the applicant.

8 (4) Members of the canvassing county recount board and
9 their clerks shall be compensated for their time spent in
10 canvassing conducting the recount."

11 Section 10. Section 13-16-402, MCA, is amended to
12 read:

13 "13-16-402. Manner of recounting ballots. The county
14 recount board of--convessers in recounting the ballots shall
15 count, at the same time, the votes cast in the precincts in
16 which a recount is ordered for the several candidates in
17 whose behalf a recount is ordered in the following manner:

18 (1) The registrar shall produce, unopened, unless it
19 is necessary for the registrar to open the package or
20 envelope to secure election materials which have been sealed
21 in the wrong envelope or package, the sealed package or
22 envelope received from the election judges of the precinct
23 or precincts in which a recount is ordered, containing all
24 ballots voted in the precinct or precincts.

25 (2) A member of the county recount board of--county

1 canvassers shall open the sealed package or envelope in the
2 presence of the other members, the registrar, and the
3 applicant or applicants seeking the recount.

4 (3) A member of the board shall then remove the
5 ballots from the package or envelope in the presence of the
6 applicant or applicants seeking the recount and the
7 candidate or candidates who received the highest number of
8 votes by the first canvass.

9 (4) One of the members of the board, in the presence
10 and view of the candidates and one other board member, shall
11 read each ballot aloud. As the ballots are read, two clerks
12 shall write the votes cast for each person in each precinct,
13 at full length, on previously prepared tally sheets. The
14 tally sheets shall show the names of the respective
15 candidates, the office or offices for which a recount is
16 made, and the number of each election precinct.

17 (5) At the completion of the recount, the tally sheets
18 shall be compared, their correctness ascertained, and the
19 total number of votes cast for each candidate determined.

20 (6) If the recount shows the votes for any applicant
21 are more or less than the number shown upon the official
22 returns, the clerk of the board of-canvassers shall correct
23 the original returns to state the number of votes
24 ascertained by the recount.

25 (7) The board of-canvassers shall direct the clerk of

1 the board to enter the result of the election as determined
2 by the recount on the board records."

3 Section 11. Section 13-16-403, MCA, is amended to
4 read:

5 "13-16-403. Sealing recounted ballots. When the
6 recount in a precinct has been finished, the ballots shall
7 again be sealed in the same package or envelope in the
8 presence of the registrar and the members of the county
9 recount board of-canvassers and shall be delivered to the
10 registrar for custody."

11 Section 12. Section 13-35-227, MCA, is amended to
12 read:

13 "13-35-227. Contributions from corporations, public
14 utilities, and others. No corporation, bank, savings bank,
15 cooperative bank, savings and loan association, trust,
16 surety, indemnity, safe deposit, insurance, railroad, street
17 railway, telegraph, telephone, gas, electric light, heat,
18 power, canal, aqueduct, water, or cemetery or crematory
19 company or any company having the right to take or condemn
20 land or to exercise franchises in public ways granted by the
21 state or by any county, city, or town shall pay or
22 contribute in order to aid, promote, or prevent the
23 nomination or election of any person or in order to aid or
24 promote the interests, success, or defeat of any political
25 party or organization or ballot-issue. No person shall

1 may solicit or receive such payment or contribution from
2 such corporation."

3 Section 13. Section 13-36-211, MCA, is amended to
4 read:

5 "13-36-211. When nomination or election not to be
6 vacated. Nothing in the third ground of contest specified in
7 13-36-101(3) is to be so construed as to authorize a
8 nomination or election to be set aside on account of illegal
9 votes, unless it appears either:

10 (1) that the candidate or nominee whose right is
11 contested had knowledge of or connived at such illegal
12 votes; or

13 (2) that the number of illegal votes given to the
14 person whose right to the nomination or office is contested,
15 if taken from him, would reduce the number of his legal
16 votes below the number of votes given to some other person
17 for the same nomination or office, after deducting therefrom
18 the illegal votes which may be shown to have been given to
19 such other person."

20 Section 14. Severability. If a part of this act is
21 invalid, all valid parts that are severable from the invalid
22 part remain in effect. If a part of this act is invalid in
23 one or more of its applications, the part remains in effect
24 in all valid applications that are severable from the
25 invalid applications.

-End-

-11-