

CHAPTER NO. 325

SENATE BILL NO. 132

IN THE SENATE

January 16, 1979	Introduced and referred to Committee on State Administration.
January 22, 1979	Rereferred to Committee on Judiciary.
February 19, 1979	Committee recommend bill do pass as amended. Report adopted.
February 21, 1979	Printed and placed on members' desks.
February 22, 1979	Second reading, do pass.
February 23, 1979	Considered correctly engrossed. On motion rules suspended. Bill placed on calendar for third reading this day. Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 27, 1979	Introduced and referred to Committee on State Administration.
March 8, 1979	Committee recommend bill be concurred in. Report adopted.
March 9, 1979	On motion taken from second reading and referred to Committee on Judiciary.
March 16, 1979	Committee recommend bill be concurred in as amended. Report adopted.

March 17, 1979

Second reading, concurred in.

March 21, 1979

Third reading, concurred in
as amended.

IN THE SENATE

March 22, 1979

Returned from second house.
Concurred in as amended.

March 23, 1979

Second reading, amendments
adopted.

March 24, 1979

Third reading, amendments
adopted. Sent to enrolling.
Reported correctly enrolled.

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Amely BILL NO. 132
Blaylock, STEPHENS

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A RECOUNT IF THE UNSUCCESSFUL CANDIDATE POSTS A BOND TO COVER ALL COSTS OF THE RECOUNT; REPEALING SECTIONS 13-16-301 THROUGH 13-16-307, MCA."

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

Section 1. Recounts allowed if bond posted to cover all costs. (1) An unsuccessful candidate for a public office may, within 5 days after the official canvass, file with the appropriate election official in each county where the candidate's name appeared on the ballot in at least one precinct a petition stating that he believes a recount will change the result of the election.

(2) The unsuccessful candidate shall post a bond with the clerk and recorder of the county in which he resides. The bond must be in an amount set by the clerk and recorder sufficient to cover all costs of the recount.

(3) Upon the filing of a petition and posting of a bond under this section, the board of county canvassers in each county affected shall meet and recount the ballots as specified in the petition.

Section 2. Repealer. Sections 13-16-301 through

1 13-16-307, MCA, are repealed.

-End-

SB 132
INTRODUCED BILL

1 SENATE BILL NO. 132

2 INTRODUCED BY BLAYLOCK, STEPHENS

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A RECOUNT IN
5 CERTAIN CIRCUMSTANCES IF THE UNSUCCESSFUL CANDIDATE POSTS A
6 BOND TO COVER ALL COSTS OF THE RECOUNT;~~---REPEATING---SECTIONS~~
7 ~~13-16-301 THROUGH 13-16-307, MEA."~~

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Recounts allowed if bond posted to cover
11 all costs. (1) ~~An unsuccessful~~ IF A candidate for a public
12 office IS DEFEATED BY A MARGIN NOT EXCEEDING 1/2 OF 1% OF
13 THE TOTAL VOTES CAST FOR ALL CANDIDATES FOR THE SAME
14 POSITION. HE may, within 5 days after the official canvass,
15 file with the appropriate election official in each county
16 where ~~the candidate's~~ HIS name appeared on the ballot in at
17 least one precinct a petition stating that he believes a
18 recount will change the result of the election.

19 (2) The unsuccessful candidate shall post a bond with
20 the clerk and recorder of the county in which he resides.
21 The bond must be in an amount set by the clerk and recorder
22 sufficient to cover all costs of the recount INCURRED BY
23 EACH COUNTY IN WHICH A RECOUNT IS SOUGHT, INCLUDING LOSS OF
24 TIME OF REGULAR EMPLOYEES CAUSED BY ABSENCE FROM THEIR
25 REGULAR DUTIES.

1 (3) Upon the filing of a petition and posting of a
2 bond under this section, the board of county canvassers in
3 each county affected shall meet and recount the ballots as
4 specified in the petition.

5 ~~Section 2, Repeater, Sections 13-16-301 through~~
6 ~~13-16-307, MEA, are repealed.~~

-End-

SENATE BILL NO. 132
INTRODUCED BY BLAYLOCK, STEPHENS

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW A RECOUNT IN CERTAIN CIRCUMSTANCES IF THE UNSUCCESSFUL CANDIDATE POSTS A BOND TO COVER ALL COSTS OF THE RECOUNT;--REPEATING--SECTIONS 13-16-301 THROUGH 13-16-307, MCA."

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

Section 1. Recounts allowed if bond posted to cover all costs. (1) ~~An unsuccessful~~ IF A candidate for a public office IS DEFEATED BY A MARGIN EXCEEDING 1/4 OF 1% BUT NOT EXCEEDING 1/2 OF 1% OF THE TOTAL VOTES CAST FOR ALL CANDIDATES FOR THE SAME POSITION. HE may, within 5 days after the official canvass, file with the appropriate election ~~official~~ in each county where the candidate's HIS name appeared on the ballot in at least one precinct OFFICER WITH WHOM HIS DECLARATION OR PETITION FOR NOMINATION WAS FILED a petition stating that he believes a recount will change the result of the election.

(2) The unsuccessful candidate shall post a bond with the clerk and recorder of the county in which he resides. The bond must be in an amount set by the clerk and recorder sufficient to cover all costs of the recount INCURRED BY EACH COUNTY IN WHICH A RECOUNT IS SOUGHT, INCLUDING LOSS OF

TIME OF REGULAR EMPLOYEES CAUSED BY ABSENCE FROM THEIR REGULAR DUTIES.

(3) Upon the filing of a petition and posting of a bond under this section, the board of county canvassers in each county affected shall meet and recount the ballots as specified in the petition.

~~Section 2. Repeater. Sections 13-16-301 through 13-16-307, MCA, are repealed.~~

-End-

March 15, 1979

HOUSE OF REPRESENTATIVES

Judiciary Committee amendments to SENATE BILL NO. 132, third reading copy, as follows:

1. Page 1, line 12.

Following: "MARGIN"

Insert: "exceeding 1/4 of 1% but"

2. Page 1, lines 15 through 17.

Following: "the"

Strike: remainder of line 15 through "precinct" on line 17
in its entirety

Insert: "officer with whom his declaration or petition for
nomination was filed"