

HOUSE BILL NO. 629

INTRODUCED BY D. BROWN, ADDY, KEYSER, RAMIREZ

BY REQUEST OF THE HOUSE JUDICIARY COMMITTEE

IN THE HOUSE

February 3, 1983	Introduced and referred to Committee on Judiciary.
February 7, 1983	Committee recommend bill do pass. Report adopted.
February 8, 1983	Bill printed and placed on members' desks.
February 9, 1983	Second reading, do pass.
February 10, 1983	Considered correctly engrossed.
February 11, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 12, 1983	Introduced and referred to Committee on Judiciary.
March 17, 1983	Committee recommend bill be concurred in. Report adopted.
March 19, 1983	Second reading, concurred in.
March 22, 1983	Third reading, concurred in. Ayes, 48; Noes, 0.

IN THE HOUSE

March 22, 1983	Returned to House.
March 23, 1983	Sent to enrolling.
March 24, 1983	Correctly enrolled.

March 25, 1983	Signed by Speaker.
March 26, 1983	Signed by President.
March 28, 1983	Delivered to Governor.
April 2, 1983	Returned from Governor with recommended amendments.
April 5, 1983	Second reading, Governor's amendments concurred in.
April 6, 1983	Third reading, Governor's amendments concurred in.

IN THE SENATE

April 7, 1983	Governor's amendments transmitted to Senate.
April 8, 1983	Second reading, Governor's amendments concurred in.
April 11, 1983	Third reading, Governor's amendments concurred in. Ayes, 50; Noes, 0.

IN THE HOUSE

April 11, 1983	Returned to House.
April 12, 1983	Sent to enrolling.
	Reported correctly enrolled.

1 House BILL NO. 629
2 INTRODUCED BY Donna Ramirez
3 BY REQUEST OF THE HOUSE JUDICIARY COMMITTEE
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO DEFINE THE TERM
6 "GENERAL ELECTION" FOR THE PURPOSE OF SUBMISSION TO THE
7 PEOPLE OF LAWS OR CONSTITUTIONAL AMENDMENTS BY THE
8 LEGISLATURE; AMENDING SECTIONS 13-1-101 AND 13-1-104, MCA."

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

11 Section 1. Section 13-1-101, MCA, is amended to read:

12 "13-1-101. Definitions. As used in this title, unless
13 the context clearly indicates otherwise, the following
14 definitions apply:

15 (1) "Anything of value" means any goods that have a
16 certain utility to the recipient that is real and that is
17 ordinarily not given away free but is purchased.

18 (2) "Candidate" means:

19 (a) an individual who has filed a declaration or
20 petition for nomination, acceptance of nomination or
21 appointment as a candidate for public office as required by
22 law;

23 (b) for the purposes of chapters 35, 36, or 37, an
24 individual who has publicly announced his intention to seek
25 nomination or election to public office by write-in vote and

1 who has received a contribution or made an expenditure or
2 has given an authorization to another person to receive a
3 contribution or make an expenditure for the purpose of
4 supporting his nomination or election.

5 (3) (a) "Contribution" means:

6 (i) an advance, gift, loan, conveyance, deposit,
7 payment, or distribution of money or anything of value to
8 influence an election;

9 (ii) a transfer of funds between political committees;

10 (iii) the payment by a person other than a candidate or
11 political committee of compensation for the personal
12 services of another person that are rendered to a candidate
13 or political committee.

14 (b) "Contribution" does not mean:

15 (i) services provided without compensation by
16 individuals volunteering a portion or all of their time on
17 behalf of a candidate or political committee or meals and
18 lodging provided by individuals in their private residence
19 for a candidate or other individual;

20 (ii) the cost of any bona fide news story, commentary,
21 or editorial distributed through the facilities of any
22 broadcasting station, newspaper, magazine, or other
23 periodical publication of general circulation;

24 (iii) the cost of any communication by any membership
25 organization or corporation to its members or stockholders

1 or employees, so long as such organization is not a primary
2 political committee; or

3 (iv) filing fees paid by the candidate.

4 (4) "Election" means a general, special, or primary
5 election held pursuant to the requirements of state law,
6 regardless of the time and/or purpose.

7 (5) "Election administrator" means the county clerk
8 and recorder or the individual designated by a county
9 governing body to be responsible for all election
10 administration duties, except that with regard to school
11 elections, the term means the school district clerk.

12 (6) "Elector" means an individual qualified and
13 registered to vote under state law.

14 (7) (a) "Expenditure" means a purchase, payment,
15 distribution, loan, advance, promise, pledge, or gift of
16 money or anything of value made for the purpose of
17 influencing the results of an election.

18 (b) "Expenditure" does not mean:

19 (i) services, food, or lodging provided in a manner
20 that they are not contributions under subsection (3);

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22 personal travel expenses, food, clothing, lodging, or
23 personal necessities for himself and his family;

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25 or editorial distributed through the facilities of any

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2 periodical publication of general circulation; or

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4 organization or corporation to its members or stockholders
5 or employees, so long as such organization is not a primary
6 political committee.

7 (8) "General election" means an election held for the
8 election of public officers throughout the state at times
9 specified by law, including elections for officers of
10 political subdivisions when the time of the election is set
11 on the same date for all similar political subdivisions in
12 the state. Egr. ballot issues required by Article III,
13 section 6, or Article XIV, section 8, of the Montana
14 constitution to be submitted by the legislature to the
15 electors at a general election. "general election" means an
16 election held at the time provided in 13-1-10411.

17 (9) "Individual" means a human being.

18 (10) "Issue" or "ballot issue" means a proposal
19 submitted to the people at an election for their approval or
20 rejection, including but not limited to initiatives,
21 referenda, proposed constitutional amendments, recall
22 questions, school levy questions, bond issue questions, or a
23 ballot question. For the purposes of chapters 35, 36, and
24 37, an issue becomes a "ballot issue" upon certification by
25 the proper official that the legal procedure necessary for

1 its qualification and placement upon the ballot has been
2 completed, except that a statewide issue becomes an "issue"
3 upon approval by the secretary of state of the form of the
4 petition or referral.

5 (11) "Person" means an individual, corporation,
6 association, firm, partnership, cooperative, committee,
7 club, union, or other organization or group of individuals
8 or a candidate as defined in subsection (2) of this section.

9 (12) "Political committee" means a combination of two
10 or more individuals or a person other than an individual who
11 makes a contribution or expenditure:

12 (a) to support or oppose a candidate or a committee
13 organized to support or oppose a candidate or a petition for
14 nomination; or

15 (b) to support or oppose a ballot issue or a committee
16 organized to support or oppose a ballot issue; or

17 (c) as an earmarked contribution.

18 (13) "Political subdivision" means a county,
19 consolidated municipal-county government, municipality,
20 special district, or any other unit of government, except
21 school districts, having authority to hold an election for
22 officers or on a ballot issue.

23 (14) "Primary" or "primary election" means an election
24 held throughout the state to nominate candidates for public
25 office at times specified by law, including nominations of

1 candidates for offices of political subdivisions when the
2 time for such nominations is set on the same date for all
3 similar subdivisions in the state.

4 (15) "Public office" means a state, county, municipal,
5 school, or other district office that is filled by the
6 people at an election.

7 (16) "Registrar" means the county election
8 administrator and any regularly appointed deputy or
9 assistant election administrator.

10 (17) "Special election" means an election other than a
11 statutorily scheduled primary or general election held at
12 any time for any purpose provided by law. It may be held in
13 conjunction with a statutorily scheduled election.

14 (18) "Voting machine or device" means any equipment
15 used to record, tabulate, or in any manner process the vote
16 of an elector."

17 Section 2. Section 13-1-104, MCA, is amended to read:

18 "13-1-104. Times for holding general elections. (1) A
19 general election shall be held throughout the state in every
20 even-numbered year on the first Tuesday after the first
21 Monday of November ~~to vote on ballot issues required by~~
22 ~~Article III, section 6, or Article XIV, section 8, of the~~
23 ~~Montana constitution to be submitted by the legislature to~~
24 ~~the electors at a general election, unless an earlier date~~
25 ~~is provided in the law authorizing the ballot issue, and to~~

1 elect federal officers, state or multicounty district
2 officers, members of the legislature, judges of the district
3 court, and county officers when the terms of such offices
4 will expire before the next scheduled election for the
5 offices or when one of the offices must be filled for an
6 unexpired term as provided by law.

7 (2) A general election shall be held throughout the
8 state in every odd-numbered year on the first Tuesday after
9 the first Monday in November to elect municipal officers,
10 officers of political subdivisions wholly within one county
11 and not required to hold annual elections, and any other
12 officers specified by law for election in odd-numbered years
13 when the term for the offices will expire before the next
14 scheduled election for the offices or when one of the
15 offices must be filled for an unexpired term as provided by
16 law.

17 (3) The general election for any political subdivision
18 required to hold elections annually shall be held on school
19 election day, the first Tuesday of April of each year, and
20 is subject to the election procedures provided for in
21 13-1-401."

-End-

Approved by Committee
on Judiciary

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23 (b) for the purposes of chapters 35, 36, or 37, an
24 individual who has publicly announced his intention to seek
25 nomination or election to public office by write-in vote and

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21 or editorial distributed through the facilities of any
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23 periodical publication of general circulation;
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1 or employees, so long as such organization is not a primary
2 political committee; or

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5 election held pursuant to the requirements of state law,
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15 electors at a general election, "general election" means an
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INTRODUCED BY D. BROWN, ADDY, KEYSER, RAMIREZ

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6 regardless of the time and/or purpose.

7 (5) "Election administrator" means the county clerk
8 and recorder or the individual designated by a county
9 governing body to be responsible for all election
10 administration duties, except that with regard to school
11 elections, the term means the school district clerk.

12 (6) "Elector" means an individual qualified and
13 registered to vote under state law.

14 (7) (a) "Expenditure" means a purchase, payment,
15 distribution, loan, advance, promise, pledge, or gift of
16 money or anything of value made for the purpose of
17 influencing the results of an election.

18 (b) "Expenditure" does not mean:

19 (i) services, food, or lodging provided in a manner
20 that they are not contributions under subsection (3);

21 (ii) payments by a candidate for his filing fee or for
22 personal travel expenses, food, clothing, lodging, or
23 personal necessities for himself and his family;

24 (iii) the cost of any bona fide news story, commentary,
25 or editorial distributed through the facilities of any

1 broadcasting station, newspaper, magazine, or other
2 periodical publication of general circulation; or

3 (iv) the cost of any communication by any membership
4 organization or corporation to its members or stockholders
5 or employees, so long as such organization is not a primary
6 political committee.

7 (8) "General election" means an election held for the
8 election of public officers throughout the state at times
9 specified by law, including elections for officers of
10 political subdivisions when the time of the election is set
11 on the same date for all similar political subdivisions in
12 the state. For ballot issues required by Article III,
13 section 6, or Article XIV, section 8, of the Montana
14 constitution to be submitted by the legislature to the
15 electors at a general election, "general election" means an
16 election held at the time provided in 13-1-104(1).

17 (9) "Individual" means a human being.

18 (10) "Issue" or "ballot issue" means a proposal
19 submitted to the people at an election for their approval or
20 rejection, including but not limited to initiatives,
21 referenda, proposed constitutional amendments, recall
22 questions, school levy questions, bond issue questions, or a
23 ballot question. For the purposes of chapters 35, 36, and
24 37, an issue becomes a "ballot issue" upon certification by
25 the proper official that the legal procedure necessary for

1 its qualification and placement upon the ballot has been
2 completed, except that a statewide issue becomes an "issue"
3 upon approval by the secretary of state of the form of the
4 petition or referral.

5 (11) "Person" means an individual, corporation,
6 association, firm, partnership, cooperative, committee,
7 club, union, or other organization or group of individuals
8 or a candidate as defined in subsection (2) of this section.

9 (12) "Political committee" means a combination of two
10 or more individuals or a person other than an individual who
11 makes a contribution or expenditure:

12 (a) to support or oppose a candidate or a committee
13 organized to support or oppose a candidate or a petition for
14 nomination; or

15 (b) to support or oppose a ballot issue or a committee
16 organized to support or oppose a ballot issue; or

17 (c) as an earmarked contribution.

18 (13) "Political subdivision" means a county,
19 consolidated municipal-county government, municipality,
20 special district, or any other unit of government, except
21 school districts, having authority to hold an election for
22 officers or on a ballot issue.

23 (14) "Primary" or "primary election" means an election
24 held throughout the state to nominate candidates for public
25 office at times specified by law, including nominations of

1 candidates for offices of political subdivisions when the
2 time for such nominations is set on the same date for all
3 similar subdivisions in the state.

4 (15) "Public office" means a state, county, municipal,
5 school, or other district office that is filled by the
6 people at an election.

7 (16) "Registrar" means the county election
8 administrator and any regularly appointed deputy or
9 assistant election administrator.

10 (17) "Special election" means an election other than a
11 statutorily scheduled primary or general election held at
12 any time for any purpose provided by law. It may be held in
13 conjunction with a statutorily scheduled election.

14 (18) "Voting machine or device" means any equipment
15 used to record, tabulate, or in any manner process the vote
16 of an elector."

17 Section 2. Section 13-1-104, MCA, is amended to read:

18 "13-1-104. Times for holding general elections. (1) A
19 general election shall be held throughout the state in every
20 even-numbered year on the first Tuesday after the first
21 Monday of November to vote on ballot issues required by
22 Article III, section 6, or Article XIV, section 6, of the
23 Montana constitution to be submitted by the legislature to
24 the electors at a general election, unless an earlier date
25 is provided in the law authorizing the ballot issue, and to

1 elect federal officers, state or multicounty district
2 officers, members of the legislature, judges of the district
3 court, and county officers when the terms of such offices
4 will expire before the next scheduled election for the
5 offices or when one of the offices must be filled for an
6 unexpired term as provided by law.

7 (2) A general election shall be held throughout the
8 state in every odd-numbered year on the first Tuesday after
9 the first Monday in November to elect municipal officers,
10 officers of political subdivisions wholly within one county
11 and not required to hold annual elections, and any other
12 officers specified by law for election in odd-numbered years
13 when the term for the offices will expire before the next
14 scheduled election for the offices or when one of the
15 offices must be filled for an unexpired term as provided by
16 law.

17 (3) The general election for any political subdivision
18 required to hold elections annually shall be held on school
19 election day, the first Tuesday of April of each year, and
20 is subject to the election procedures provided for in
21 13-1-401."

-End-

PROPOSED AMENDMENT TO HOUSE BILL NO. 629
REFERENCE COPY

1. Page 6, line 25

Following:

Strike:

Insert:

"in"

"the"

"a"

2. Page 6, line 25.

Following:

Strike:

Insert:

"authorizing"

"the ballot issue"

"a special election on an initiative or
referendum pursuant to Article III, section 6"

HOUSE BILL NO. 629

INTRODUCED BY D. BROWN, ADDY, KEYSER, RAMIREZ

BY REQUEST OF THE HOUSE JUDICIARY COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO DEFINE THE TERM
"GENERAL ELECTION" FOR THE PURPOSE OF SUBMISSION TO THE
PEOPLE OF LAWS OR CONSTITUTIONAL AMENDMENTS BY THE
LEGISLATURE; AMENDING SECTIONS 13-1-101 AND 13-1-104, MCA."

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

Section 1. Section 13-1-101, MCA, is amended to read:
"13-1-101. Definitions. As used in this title, unless
the context clearly indicates otherwise, the following
definitions apply:

(1) "Anything of value" means any goods that have a
certain utility to the recipient that is real and that is
ordinarily not given away free but is purchased.

(2) "Candidate" means:

(a) an individual who has filed a declaration or
petition for nomination, acceptance of nomination or
appointment as a candidate for public office as required by
law;

(b) for the purposes of chapters 35, 36, or 37, an
individual who has publicly announced his intention to seek
nomination or election to public office by write-in vote and

who has received a contribution or made an expenditure or
has given an authorization to another person to receive a
contribution or make an expenditure for the purpose of
supporting his nomination or election.

(3) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit,
payment, or distribution of money or anything of value to
influence an election;

(ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or
political committee of compensation for the personal
services of another person that are rendered to a candidate
or political committee.

(b) "Contribution" does not mean:

(i) services provided without compensation by
individuals volunteering a portion or all of their time on
behalf of a candidate or political committee or meals and
lodging provided by individuals in their private residence
for a candidate or other individual;

(ii) the cost of any bona fide news story, commentary,
or editorial distributed through the facilities of any
broadcasting station, newspaper, magazine, or other
periodical publication of general circulation;

(iii) the cost of any communication by any membership
organization or corporation to its members or stockholders

1 or employees, so long as such organization is not a primary
2 political committee; or

3 (iv) filing fees paid by the candidate.

4 (4) "Election" means a general, special, or primary
5 election held pursuant to the requirements of state law,
6 regardless of the time and/or purpose.

7 (5) "Election administrator" means the county clerk
8 and recorder or the individual designated by a county
9 governing body to be responsible for all election
10 administration duties, except that with regard to school
11 elections, the term means the school district clerk.

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13 registered to vote under state law.

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8 election of public officers throughout the state at times
9 specified by law, including elections for officers of
10 political subdivisions when the time of the election is set
11 on the same date for all similar political subdivisions in
12 the state. For ballot issues required by Article III,
13 section 6, or Article XIV, section 8, of the Montana
14 constitution to be submitted by the legislature to the
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23 ballot question. For the purposes of chapters 35, 36, and
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25 the proper official that the legal procedure necessary for

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22 ~~Article III, section 4, or Article XIV, section 8, of the~~
23 ~~Montana constitution to be submitted by the legislature to~~
24 ~~the electors at a general election, unless an earlier date~~
25 ~~is provided in the A law authorizing the ballot issue A~~

1 ~~SPECIAL ELECTION ON AN INITIATIVE OR REFERENDUM PURSUANT TO~~
2 ~~ARTICLE III, SECTION 6, add~~ to elect federal officers, state
3 or multicounty district officers, members of the
4 legislature, judges of the district court, and county
5 officers when the terms of such offices will expire before
6 the next scheduled election for the offices or when one of
7 the offices must be filled for an unexpired term as provided
8 by law.

9 (2) A general election shall be held throughout the
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21 election day, the first Tuesday of April of each year, and
22 is subject to the election procedures provided for in
23 13-1-401."

-End-