

HOUSE BILL NO. 243

1/18 Introduced
1/18 Referred to State Administration
1/29 Hearing
2/12 Adverse Committee Report
2/13 Objection to Adverse Committee Report
2/14 2nd Reading Do Not Pass
2/14 Bill Killed

1 INTRODUCED BY HOUSE BILL NO. 243
2 *Keyser*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AN OPEN
5 PRIMARY ELECTION WITH A SINGLE BALLOT AND FOR THE NOMINATION
6 OF THE TWO CANDIDATES RECEIVING THE MOST VOTES REGARDLESS OF
7 PARTY AFFILIATION; AMENDING SECTIONS 13-1-103, 13-10-209,
8 13-10-301, 13-10-402, 13-12-203, 13-12-205, AND 13-17-103,
9 MCA; REPEALING SECTIONS 13-10-302 AND 13-10-311, MCA; AND
10 PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE ELECTORS
11 OF THE STATE OF MONTANA."
12

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

14 Section 1. Section 13-1-103, MCA, is amended to read:
15 "13-1-103. Determination of winner. The individual
16 receiving the highest number of votes for any office at an
17 election is elected or-nominated to that office, except that
18 in a primary nominating election, the two candidates for a
19 nomination to an office receiving the highest number of
20 votes for the nomination, regardless of party affiliation,
21 are nominated to the office."

22 Section 2. Section 13-10-209, MCA, is amended to read:
23 "13-10-209. Arrangement of ballots. (1) Ballots for a
24 primary election shall be arranged and printed in the same
25 manner and number as provided in chapter 12 for general

1 election ballots, except there shall be separate ballots
2 for each political party entitled to participate and
3 separate nonpartisan and ballot issue ballots if necessary.
4 The name of the political party shall be printed at the top
5 of the separate ballot for that party and need not be
6 printed opposite each candidate's name.

7 (2) It is not necessary to print a primary ballot for
8 a political party which does not have candidates for more
9 than half of the offices on the ballot in even year
10 elections if no more than one candidate files for nomination
11 by that party for any of the offices on the ballot. The
12 secretary of state shall certify that no primary election is
13 necessary for that party if such is the case and shall
14 certify or instruct the election administrator to certify
15 the names of the candidates for that party for the general
16 election ballot only.

17 (3) The separate ballots for each party shall be the
18 same size and color. The stubs of each set of party ballots
19 shall bear the same number. The nonpartisan ballot shall be
20 a different size or color than the party ballots, but the
21 stubs shall be numbered in the same order as the party
22 ballots.

23 (4) If a ballot issue is to be voted on at a primary
24 election, it may be placed on the nonpartisan ballot or a
25 separate ballot. A separate ballot may be a different size



1 and color than the other ballots in the election, but the
2 stubs shall be numbered in the same order:

3 {5}--Each elector shall receive a set of party ballots
4 and a nonpartisan and a ballot issue ballot if such ballots
5 are printed."

6 Section 3. Section 13-10-301, MCA, is amended to read:

7 "13-10-301. Casting of ballot. {i} Unless otherwise
8 provided by law, the conduct of the primary election, the
9 voting procedure, the counting, tallying, and return of
10 ballots and all election records and supplies, the canvass
11 of votes, the certification and notification of nominees,
12 recounts, procedures upon tie votes, and any other necessary
13 election procedures shall be at the same times and in the
14 same manner as provided for in the laws for the general
15 election.

16 {2}--At a primary election, the elector shall mark only
17 one of the set of party ballots. After marking any other
18 ballots received other than the party ballots, the elector
19 shall fold the marked and unmarked ballots separately in a
20 manner so that the marks cannot be seen, the official stamp
21 is visible on each ballot, and all stubs can be detached by
22 an election judge.

23 {3}--The elector shall hand the marked and unmarked
24 ballots separately to the election judge, identifying them
25 as marked and unmarked, if the judge determines the ballots

1 may be voted, he shall, in the presence of the elector:

2 {a}--remove the stubs from all the ballots;

3 {b}--deposit the unmarked ballot or ballots and all the
4 stubs in the stub and unmarked ballot box;

5 {c}--and deposit the marked ballots in the voted ballot
6 box."

7 Section 4. Section 13-10-402, MCA, is amended to read:

8 "13-10-402. Ballot. The regular party primary ballots
9 ballot shall be used for the presidential preference primary
10 election. The presidential section of the ballot shall be
11 placed before any other section, national, state, or local."

12 Section 5. Section 13-12-203, MCA, is amended to read:

13 "13-12-203. Printing of candidate's name and party
14 designation on ballot. (1) ~~Except as provided in 13-10-209~~
15 ~~and 13-10-303, in~~ In partisan elections, candidates' names
16 shall be printed under the title of the office sought, with
17 the name of the party, in not more than three words, or
18 "Independent" printed opposite the name.

19 (2) In nonpartisan elections, the candidates' names
20 shall be printed under the title of the office sought, with
21 no description or designation printed with the name unless
22 partisan and nonpartisan offices appear on the same ballot.
23 In such a case, the names of nonpartisan candidates shall
24 have printed with them the words "Nominated without party
25 designation".

1 Section 6. Section 13-12-205, MCA, is amended to read:

2 "13-12-205. Arrangement of names -- rotation on
3 ballot. (1) The candidates' names shall be arranged
4 alphabetically on the ballot according to surnames under the
5 title of the respective offices.

6 (2) If two or more individuals are candidates for
7 nomination or election to the same office, the election
8 administrator shall divide the ballot forms into sets equal
9 in number to the greatest number of candidates for any
10 office. ~~The--candidates-for-nomination-to-an-office-by-each~~
11 ~~political-party---shall---be---considered---separately---in~~
12 ~~determining--the--number--of--sets--necessary--for-a-primary~~
13 ~~election.~~

14 (3) The election administrator shall begin with a form
15 arranged alphabetically and rotate so that each candidate's
16 name will be at the top of the list for each office on
17 substantially an equal number of ballots. If it is not
18 numerically possible to place each candidate's name at the
19 top of the list, the names shall be rotated in groups so
20 that each candidate's name is as near the top of the list as
21 possible on substantially an equal number of ballots.

22 (4) If the county contains more than one legislative
23 district, the election administrator may rotate each
24 candidate's name so that it will be at or near the top of
25 the list for each office on substantially an equal number of

1 ballots in each house district.

2 (5) For purposes of rotation, the offices of president
3 and vice president and of governor and lieutenant governor
4 shall be considered as a group.

5 (6) No more than one of the sets may be used in
6 printing the ballot for use in any one precinct, and all
7 ballots furnished for use in any precinct must be
8 identical."

9 Section 7. Section 13-17-103, MCA, is amended to read:

10 "13-17-103. Required specifications for equipment. A
11 voting machine or device may not be approved unless:

12 (1) an elector can vote in secrecy;

13 (2) an elector is prevented from voting for any
14 candidate or upon any ballot issue more than once and is
15 also prevented from voting on any office or ballot issue for
16 which he is not entitled to vote;

17 ~~(3)--an-elector-can-secretly-select-the-party-for-which~~
18 ~~he--wishes--to-vote-in-a-primary-election-and-the-machine-or~~
19 ~~device-will-count-only-votes--for--the--candidates--of--that~~
20 ~~party-by-the-elector-in-the-primary-election;~~

21 ~~(4)~~(3) an elector can vote a split ticket in a general
22 election if he desires;

23 ~~(5)~~(4) every valid vote cast is registered and
24 recorded;

25 ~~(6)~~(5) the machine or device is constructed so that it

1 cannot be tampered with for a fraudulent purpose and is also
2 constructed so that during the progress of the voting no
3 individual can see or know the number of votes registered
4 for any candidate or on any ballot issue;

5 ~~f7~~(6) it allows write-in voting; and

6 ~~f8~~(7) a guarantee to provide training and assistance
7 to election officials will be included in each contract for
8 purchase of the machine or device."

9 NEW SECTION. Section 8. Repealer. Sections 13-10-302
10 and 13-10-311, MCA, are repealed.

11 NEW SECTION. Section 9. Submission to electorate.
12 The question of whether sections 1 through 8 of this act
13 will become effective shall be submitted to the electors of
14 the state of Montana at the general election to be held in
15 November 1986 by printing on the ballot the full title of
16 this act and the following:

17 FOR providing for an open primary election.

18 AGAINST providing for an open primary election.

-End-

RECOMMEND DO NOT PASS
OBJECTION RAISED TO
ADVERSE COMMITTEE REPORT

1 INTRODUCED BY HOUSE BILL NO. 243
2 Reynolds

3
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23 "13-10-209. Arrangement of ballots. (1) Ballots for a
24 primary election shall be arranged and printed in the same
25 manner and number as provided in chapter 12 for general

1 election ballots, ~~7--except--there--shall--be--separate--ballots~~
2 ~~for--each--political--party--entitled--to--participate--and~~
3 ~~separate--nonpartisan--and--ballot--issue--ballots--if--necessary.~~
4 ~~The--name--of--the--political--party--shall--be--printed--at--the--top~~
5 ~~of--the--separate--ballot--for--that--party--and--need--not--be~~
6 ~~printed--opposite--each--candidate's--name.~~

7 (2) ~~it--is--not--necessary--to--print--a--primary--ballot--for~~
8 ~~a--political--party--which--does--not--have--candidates--for--more~~
9 ~~than--half--of--the--offices--on--the--ballot--in--even-year~~
10 ~~elections--if--no--more--than--one--candidate--files--for--nomination~~
11 ~~by--that--party--for--any--of--the--offices--on--the--ballot.~~ ~~The~~
12 ~~secretary--of--state--shall--certify--that--no--primary--election--is~~
13 ~~necessary--for--that--party--if--such--is--the--case--and--shall~~
14 ~~certify--or--instruct--the--election--administrator--to--certify~~
15 ~~the--names--of--the--candidates--for--that--party--for--the--general~~
16 ~~election--ballot--only.~~

17 (3) ~~The--separate--ballots--for--each--party--shall--be--the~~
18 ~~same--size--and--color.~~ ~~The--stubs--of--each--set--of--party--ballots~~
19 ~~shall--bear--the--same--number.~~ ~~The--nonpartisan--ballot--shall--be~~
20 ~~a--different--size--or--color--than--the--party--ballots,~~ ~~but--the~~
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23 (4) ~~if--a--ballot--issue--is--to--be--voted--on--at--a--primary~~
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