

HOUSE BILL NO. 864

INTRODUCED BY FRITZ, HANNAH

BY REQUEST OF THE HOUSE STATE ADMINISTRATION COMMITTEE

IN THE HOUSE

February 18, 1985	Introduced and referred to Committee on State Administration.
February 21, 1985	Committee recommend bill do pass. Report adopted. Bill printed and placed on members' desks.
February 25, 1985	Second reading, do pass. Considered correctly engrossed.
February 27, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

March 5, 1985	Introduced and referred to Committee on State Administration.
March 28, 1985	Committee recommend bill be concurrred in as amended. Report adopted.
March 29, 1985	On motion, rules temporarily suspended in order that all bills considered on second reading on the 70th Legislative Day advance to third reading that same day.

April 1, 1985

Second reading, concurred in.

Third reading, concurred in.
Ayes, 46; Noes, 4.

Returned to House with
amendments.

IN THE HOUSE

April 2, 1985

Received from Senate.

April 8, 1985

Second reading, amendments
concurred in.

On motion, rules suspended and
bill placed on third reading
this day.

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 864
 2 INTRODUCED BY John Hamner
 3 BY REQUEST OF THE HOUSE STATE ADMINISTRATION COMMITTEE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT
 6 CANDIDATES' NAMES NEED NOT BE ROTATED ON PAPER BALLOTS
 7 REQUIRED TO BE AVAILABLE WHERE VOTING MACHINES OR DEVICES
 8 ARE USED; PROVIDING THAT IF THE NAMES ARE NOT ROTATED, THEIR
 9 ARRANGEMENT ON THE BALLOT MUST BE DETERMINED BY LOT;
 10 AMENDING SECTIONS 13-12-205 AND 76-15-303, MCA."

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

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

14 "13-12-205. Arrangement of names -- rotation on
 15 ballot. (1) The candidates' names shall be arranged
 16 alphabetically on the ballot according to surnames under the
 17 title of the respective offices.

18 (2) (a) if Except as provided in subsection (3), if
 19 two or more individuals are candidates for nomination or
 20 election to the same office, the election administrator
 21 shall divide the ballot forms into sets equal in number to
 22 the greatest number of candidates for any office. The
 23 candidates for nomination to an office by each political
 24 party shall be considered separately in determining the
 25 number of sets necessary for a primary election.

1 ~~(3)~~(b) The election administrator shall begin with a
 2 form arranged alphabetically and rotate so that each
 3 candidate's name will be at the top of the list for each
 4 office on substantially an equal number of ballots. If it
 5 is not numerically possible to place each candidate's name
 6 at the top of the list, the names shall be rotated in groups
 7 so that each candidate's name is as near the top of the list
 8 as possible on substantially an equal number of ballots.

9 ~~(4)~~(c) If the county contains more than one
 10 legislative district, the election administrator may rotate
 11 each candidate's name so that it will be at or near the top
 12 of the list for each office on substantially an equal number
 13 of ballots in each house district.

14 ~~(5)~~(d) For purposes of rotation, the offices of
 15 president and vice president and of governor and lieutenant
 16 governor shall be considered as a group.

17 ~~(6)~~(e) No more than one of the sets may be used in
 18 printing the ballot for use in any one precinct, and all
 19 ballots furnished for use in any precinct must be identical.

20 (3) In a precinct where voting machines or devices are
 21 used, the election administrator need not rotate candidates'
 22 names as provided in subsection (2) on paper ballots
 23 required under 13-17-305. If the candidates' names are not
 24 rotated, the election administrator shall determine by lot
 25 the arrangement of the names on the paper ballot."

1 Section 2. Section 76-15-303, MCA, is amended to read:

2 "76-15-303. General election. (1) All qualified
3 electors within the district are eligible to vote in the
4 election.

5 (2) The three candidates who receive the largest
6 number, respectively, of the votes cast in the election are
7 the elected supervisors for the district.

8 (3) In the general election, the names of all
9 individuals nominated by petition (if six or fewer) or by
10 election shall be printed, ~~arranged-in-a-rotating-order-of~~
11 ~~the--surnames,~~ as provided under 13-12-205, upon ballots,
12 with a square before each name and a direction to insert an
13 "X" mark in the square before any three names to indicate
14 the elector's preference.

15 (4) The election administrator in each county shall
16 prepare suitable nonpartisan ballots or place the names of
17 candidates on the regular general election ballot in the
18 same manner as other nonpartisan candidates for the election
19 of supervisors, which ballots shall be delivered to the
20 election judges in those precincts which contain registered
21 electors prior to each general election and each primary
22 election in which more than four candidates are nominated.
23 The election judges and other election officials in such
24 precincts shall submit such ballots to qualified electors,
25 conduct the election, and tabulate the results of such

1 election in the manner provided in Title 13."

2 NEW SECTION. Section 3. Extension of authority. Any
3 existing authority of the secretary of state to make rules
4 on the subject of the provisions of this act is extended to
5 the provisions of this act.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

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SENATE

STANDING COMMITTEE REPORT

.....March 28..... 1985.....

MR. PRESIDENT

We, your committee on.....STATE ADMINISTRATION.....

having had under consideration.....HOUSE BILL..... No. 864.....

third reading copy (blue)
color

(Senator Harding)

ELIMINATING ROTATION OF CANDIDATES' NAMES ON CERTAIN PAPER
BALLOTS

Respectfully report as follows: That.....HOUSE BILL..... No. 864.....

be amended as follows:

1. Title, line 6.

Following: "ROTATED ON"

Insert: "CERTAIN"

2. Title, line 7.

Following: "VOTING"

Strike: "MACHINES OR"

3. Page 2, line 20.

Following: "voting"

Strike: "machines or"

4. Page 2, line 23.

Following: "13-17-305"

Insert: "; however, if more than 5% of the electors voting in
the precinct in the last preceding general election voted
using paper ballots, the election administrator shall rotate
candidates' names on the paper ballots"

AND AS AMENDED

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXXXX~~

Jack Haffey
.....
Chairman.

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21 used, the election administrator need not rotate candidates'
22 names as provided in subsection (2) on paper ballots
23 required under 13-17-305; HOWEVER, IF MORE THAN 5% OF THE
24 ELECTORS VOTING IN THE PRECINCT IN THE LAST PRECEDING
25 GENERAL ELECTION VOTED USING PAPER BALLOTS, THE ELECTION

1 ADMINISTRATOR SHALL ROTATE CANDIDATES' NAMES ON THE PAPER
 2 BALLOTS. If the candidates' names are not rotated, the
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