

HOUSE BILL NO. 916

2/21 Introduced
2/21 Referred to State Administration
2/22 Hearing
2/22 Committee Report-Bill Pass As Amended
2/26 2nd Reading Do Not Pass
2/26 Bill Killed

CONSTITUTIONAL AMENDMENT

HOUSE BILL NO. 916

INTRODUCED BY KRUEGER, HARPER, FRITZ, BARDANOUVE, CODY, COHEN, PECK, QUILICI, DRISCOLL, BRADLEY, MANUEL, ABRAMS, ADDY, DARKO, RANEY, MENAHAN, SCHYE, NISBET, KEENAN, D. BROWN, MILES

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AN ELECTOR TO CHOOSE A PARTY BALLOT IN A PRESIDENTIAL PREFERENCE PRIMARY; AMENDING SECTIONS 13-10-301 AND 13-13-114, MCA; AND PROVIDING THAT THE PROPOSED ACT BE SUBMITTED TO THE ELECTORS OF THE STATE OF MONTANA."

WHEREAS, the presidential preference primary in Montana is a nonbinding election for nomination of party candidates; and

WHEREAS, the Montana Democratic Party prefers to allow voters to choose the Democratic presidential nominee in the presidential preference primary; and

WHEREAS, the United States Supreme Court in 1983 ruled that Montana's Democratic presidential preference primary was invalid because of national party rules; and

WHEREAS, in the 1980 Democratic presidential preference primary, 130,059 Montanans' votes counted to nominate a Democratic president; and

WHEREAS, in the 1984 Democratic party caucus, 13,895 Montanans' votes counted to nominate a Democratic president; and

WHEREAS, Republican party officials meeting to nominate

a president are not bound to follow the wishes of Republican voters in the presidential preference primary; and

WHEREAS, the opportunity of Montana citizens to cast their ballots at the voting booth is the foundation of our political process; and

WHEREAS, it is the intent of the Legislature to enhance that process and provide for maximum voter participation; and

WHEREAS, the nominating process for the office of the president is a vital part of the electoral process and should involve a maximum number of Montana voters in selecting our country's president.

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

Section 1. Section 13-10-301, MCA, is amended to read:

"13-10-301. Casting of ballot. (1) Unless Except as provided in 13-13-114(1)(b) and unless otherwise provided by law, the conduct of the primary election, the voting procedure, the counting, tallying, and return of ballots and all election records and supplies, the canvass of votes, the certification and notification of nominees, recounts, procedures upon tie votes, and any other necessary election procedures shall be at the same times and in the same manner as provided for in the laws for the general election.

(2) At a primary election, the elector shall mark only



1 one of the set of party ballots. After marking any other
 2 ballots received other than the party ballots, the elector
 3 shall fold the marked and unmarked ballots separately in a
 4 manner so that the marks cannot be seen, the official stamp
 5 is visible on each ballot, and all stubs can be detached by
 6 an election judge.

7 (3) The elector shall hand the marked and unmarked
 8 ballots separately to the election judge, identifying them
 9 as marked and unmarked. If the judge determines the ballots
 10 may be voted, he shall, in the presence of the elector:

11 (a) remove the stubs from all the ballots;

12 (b) deposit the unmarked ballot or ballots and all the
 13 stubs in the stub and unmarked ballot box;

14 (c) and deposit the marked ballots in the voted ballot
 15 box."

16 Section 2. Section 13-13-114, MCA, is amended to read:

17 "13-13-114. Marking precinct register book before
 18 elector votes. (1) Before an elector is permitted to receive
 19 a ballot or vote:

20 (a) he shall sign his name on the place designated in
 21 the precinct register. Before signing the register, the
 22 elector shall state his name and current address. If the
 23 name or address is not as listed in the precinct register,
 24 the elector must complete a transfer form or new
 25 registration form to correct the information. The election

1 judges shall write "transfer form" or "registration form"
 2 beside the name of any elector submitting a form. No elector
 3 may sign the precinct register unless his name and address
 4 are the same as shown in the register or the proper
 5 corrections have been made.

6 (b) in addition, when a presidential preference
 7 primary is held as provided in chapter 10, part 4, of this
 8 title, he shall request the presidential ballot of the party
 9 of his choice.

10 (2) The election judges shall require an elector not
 11 able to sign his name to produce two electors who shall sign
 12 an affidavit stating that the elector is the individual
 13 whose name and address appears in the precinct register
 14 before one or more of the election judges on a form
 15 prescribed by the secretary of state. The affidavit shall
 16 be filed by the election judges and returned to the election
 17 administrator with the returns of the election. One of the
 18 judges shall write the elector's name, noting the fact of
 19 his inability to sign, and the names of the two electors
 20 signing the affidavit.

21 (3) If the elector fails or refuses to sign his name
 22 or, if unable to write, fails to procure two electors who
 23 will take the oath required, he may not vote."

24 NEW SECTION. Section 3. Submission to electorate. The
 25 question of whether sections 1 and 2 of this act will become

1 effective shall be submitted to the electors of the state of
2 Montana at the general election to be held in November 1986,
3 by printing on the ballot the full title of this act and the
4 following:

5 FOR allowing a voter to participate in a
6 presidential preference primary by choosing his
7 party ballot.

8 AGAINST allowing a voter to participate in a
9 presidential preference primary by choosing his
10 party ballot.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

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 2 INTRODUCED BY KRUEGER, HARPER, FRITZ, BARDANOUE,
 3 CODY, COHEN, PECK, QUILICI, DRISCOLL, BRADLEY,
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13 WHEREAS, the presidential preference primary in Montana
 14 is a nonbinding election for nomination of party candidates;
 15 and

16 WHEREAS, the Montana Democratic Party prefers to allow
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 20 that Montana's Democratic presidential preference primary
 21 was invalid because of national party rules; and

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 24 certification and notification of nominees, recounts,
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1 procedures shall be at the same times and in the same manner
2 as provided for in the laws for the general election.

3 (2) At a primary election, the elector shall mark only
4 one of the set of party ballots. After marking any other
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18 box."

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24 the precinct register. Before signing the register, the
25 elector shall state his name and current address. If the

1 name or address is not as listed in the precinct register,
2 the elector must complete a transfer form or new
3 registration form to correct the information. The election
4 judges shall write "transfer form" or "registration form"
5 beside the name of any elector submitting a form. No elector
6 may sign the precinct register unless his name and address
7 are the same as shown in the register or the proper
8 corrections have been made.

9 (b) in addition, when a presidential preference
10 primary is held as provided in chapter 10, part 4, of this
11 title, he shall request MARK A BOX PROVIDED BESIDE HIS NAME
12 ON THE PRECINCT REGISTER TO INDICATE HIS PARTY PREFERENCE
13 FOR the presidential ballot of-the-party-of-his-choice ONLY.

14 (2) The election judges shall require an elector not
15 able to sign his name to produce two electors who shall sign
16 an affidavit stating that the elector is the individual
17 whose name and address appears in the precinct register
18 before one or more of the election judges on a form
19 prescribed by the secretary of state. The affidavit shall
20 be filed by the election judges and returned to the election
21 administrator with the returns of the election. One of the
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8 following:

9 FOR allowing a voter to participate in a
10 presidential preference primary by PUBLICLY choosing
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12 AGAINST allowing a voter to participate in a
13 presidential preference primary by PUBLICLY choosing
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-End-