

HOUSE BILL NO. 459

INTRODUCED BY KEENAN, FARRELL, HANNAH, RANEY,  
REGAN, FRITZ, SPAETH, KENNERLY, BULGER, STRIZICH,  
STRATFORD, JONES, VINCENT, BRADLEY, HARP, C. SMITH,  
MILES, RAMIREZ, WINSLOW, THOMAS, STANG, DEMARS,  
SCHYE, DARKO, QUILICI, MENAHAN, LYNCH, ABRAMS,  
VAN VALKENBURG, WALKER, STIMATZ, NEUMAN, MILLER,  
COBB, SWYSGOOD, MEYERS, SIMON, BRANDEWIE, MENKE,  
ADDY, HOLLIDAY, BARDANOUVE, MERCER, M. WILLIAMS,  
IVERSON, KADAS, KITSELMAN, RUSSELL, O'CONNELL,  
D. BROWN, HARPER, POULSEN, JACOBSON, ECK,  
PHILLIPS, GRADY, GOULD, HANSEN

BY REQUEST OF THE GOVERNOR AND THE SECRETARY OF STATE

## IN THE HOUSE

JANUARY 26, 1987 INTRODUCED AND REFERRED TO COMMITTEE  
ON STATE ADMINISTRATION.

FEBRUARY 21, 1987 COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 23, 1987 PRINTING REPORT.

SECOND READING, DO PASS.

**FEBRUARY 24, 1987** **ENGROSSING REPORT.**

THIRD READING, PASSED.  
AYES, 82; NOES, 17.

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 2, 1987 INTRODUCED AND REFERRED TO COMMITTEE  
ON STATE ADMINISTRATION.

MARCH 26, 1987 COMMITTEE RECOMMEND BILL BE  
CONCURRED IN AS AMENDED. REPORT  
ADOPTED.

MARCH 30, 1987

SECOND READING, CONCURRED IN AS AMENDED.

ON MOTION, RULES SUSPENDED TO PLACE BILL ON THIRD READING THIS DAY.

THIRD READING, CONCURRED IN.  
AYES, 35; NOES, 15.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 7, 1987

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS NOT CONCURRED IN.

ON MOTION, CONFERENCE COMMITTEE REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 9, 1987

ON MOTION, CONFERENCE COMMITTEE REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 16, 1987

CONFERENCE COMMITTEE REPORTED.

IN THE SENATE

APRIL 20, 1987

CONFERENCE COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 20, 1987

SECOND READING, CONFERENCE COMMITTEE REPORT REJECTED.

ON MOTION, CONFERENCE COMMITTEE DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 21, 1987

ON MOTION, FREE CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 21, 1987

FREE CONFERENCE COMMITTEE REPORTED.

SECOND READING, FREE CONFERENCE  
COMMITTEE REPORT ADOPTED.

APRIL 22, 1987

THIRD READING, FREE CONFERENCE  
COMMITTEE REPORT ADOPTED.

IN THE SENATE

APRIL 22, 1987

FREE CONFERENCE  
COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 22, 1987

SENT TO ENROLLING.

1 House BILL NO. 459 Raney  
 2 INTRODUCED BY Kennan Farwell Howard Johnson Spa  
 3 Henry Biggs Vincent Bradley HARVEY C. Smith Deschamps  
 4 STRAYFORD James Vincent Bradley HARVEY C. Smith Deschamps  
 5 Niles Ramsey Winkler Thomas Blawie DeMaw Boe  
 6 John Johnsen Nebraska Johnsen Boe  
 7 Van Vliet Walter Johnson Johnsen Boe  
 8 AMENDING SECTIONS 13-10-401, 13-10-402, 13-38-201, AND  
 9 Mills John Supergard Meyer Johnsen Boe  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 11 Section 1. Section 13-10-401, MCA, is amended to read:  
 12 "13-10-401. Date of presidential primary. In the years 1960 1964  
 13 in which a president of the United States is to be elected,  
 14 a presidential preference primary election will be held on  
 15 the same day as the primary election provided for in  
 16 13-1-107 20-20-105."  
 17 Section 2. Section 13-10-402, MCA, is amended to read:  
 18 "13-10-402. Ballot. The regular party primary ballots  
 19 A separate ballot shall be used for the presidential  
 20 preference primary election. The presidential section of the  
 21 ballot--shall--be--placed--before--any--other--section--national--  
 22 state--or--local--"  
 23 Section 3. Section 13-38-201, MCA, is amended to read:  
 24 "13-38-201. Election of committeemen at primary. (1)  
 25 Each political party shall elect at--each--primary--election

1 one man and one woman who shall serve as committeemen for  
 2 each election precinct. The committeemen shall be residents  
 3 and registered voters of the precinct.  
 4 (2) An elector may be placed in nomination for  
 5 committeeman by a writing so stating, signed by the elector,  
 6 notarized, and filed in the office of the registrar within  
 7 the time for filing declarations naming candidates for  
 8 nomination at the regular biennial primary election.  
 9 (3) The names of candidates for precinct committeeman  
 10 of each political party shall be printed on the party ticket  
 11 in the same manner as other candidates and the voter shall  
 12 vote for them in the same manner as he does for other  
 13 candidates.  
 14 (4) In the years in which a president of the United  
 15 States is to be elected, the election of precinct  
 16 committeemen must be held on the same day as the election  
 17 provided for in 20-20-105. In other years, the election of  
 18 precinct committeemen must be held on the same day as the  
 19 primary election provided for in 13-1-107(1)."  
 20 Section 4. Section 20-20-105, MCA, is amended to read:  
 21 "20-20-105. Regular school election day and special  
 22 school elections. The first fourth Tuesday of April March of  
 23 each year shall be the regular school election day. Unless  
 24 otherwise provided by law, special school elections may be  
 25 conducted at such times as determined by the trustees."

1        NEW SECTION. Section 5. Precedence of school election  
2        provisions. Except as otherwise provided in this title,  
3        presidential preference primary elections must be conducted  
4        and canvassed and the results must be returned in the same  
5        manner as primary elections. If a conflict arises between  
6        the requirements of this title and the provisions of Title  
7        20 relating to school elections, the provisions of Title 20  
8        prevail.

9        NEW SECTION. Section 6. Extension of authority. Any  
10       existing authority of the secretary of state to make rules  
11       on the subject of the provisions of this act is extended to  
12       the provisions of this act.

13       NEW SECTION. Section 7. Codification instruction.  
14       Section 5 is intended to be codified as an integral part of  
15       Title 13, chapter 10, part 4, and the provisions of Title  
16       13, chapter 10, part 4, apply to section 5.

17       NEW SECTION. Section 8. Contingent effective date.  
18       This act is effective on passage and approval of legislation  
19       establishing the fourth Tuesday of March as the presidential  
20       preference primary election date or presidential caucus date  
21       in any two of the following states: Idaho, Oregon, or  
22       Washington.

-End-

APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

1       Monday of November to vote on ballot issues required by  
2       Article III, section 6, or Article XIV, section 8, of the  
3       Montana constitution to be submitted by the legislature to  
4       the electors at a general election, unless an earlier date  
5       is provided in a law authorizing a special election on an  
6       initiative or referendum pursuant to Article III, section 6,  
7       and to elect federal officers, state or multicounty district  
8       officers, members of the legislature, judges of the district  
9       court, and county officers when the terms of such offices  
10      will expire before the next scheduled election for the  
11      offices or when one of the offices must be filled for an  
12      unexpired term as provided by law.

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

23               (3) The general election for any political subdivision  
24      required to hold elections annually shall be held on regular  
25      school election day,--the--first--Tuesday--of--April--of--each



1 year and is subject to the election procedures provided for  
 2 in 13-1-401."

3 SECTION 2. SECTION 13-1-302, MCA, IS AMENDED TO READ:

4 "13-1-302. Election costs. (1) Unless specifically  
 5 provided otherwise, all costs of the regularly scheduled  
 6 primary and general elections shall be paid by the counties  
 7 and other political subdivisions for which the elections are  
 8 held. Each political subdivision shall bear its  
 9 proportionate share of the costs as determined by the county  
 10 governing body.

11 (2) A political subdivision holding an annual election  
 12 with a regularly scheduled school election shall bear its  
 13 proportionate share of the costs as determined by the county  
 14 election administrator and the school district election  
 15 administrator.

16 (3) The political subdivision for which a special  
 17 election is held shall bear all costs of the election, or  
 18 its proportionate share as determined by the county  
 19 governing body if held in conjunction with any other  
 20 election.

21 (4) The costs of a presidential preference primary  
 22 provided for in 13-10-401 must be paid by the county;  
 23 however, if the primary is held in conjunction with a  
 24 regularly scheduled school election, the county and the  
 25 school district each shall bear a proportionate share of the

1 costs as determined by the county election administrator and  
 2 the school district election administrator.

3 ~~t4~~<sup>t5</sup>~~t6~~<sup>t7</sup>(5) Costs of elections may not include the services  
 4 of the election administrator or capital expenditures.  
 5 ~~t5~~<sup>t6</sup>~~t7~~<sup>t8</sup>(6) The county governing body shall set a schedule  
 6 of fees for services provided to school districts by the  
 7 election administrator.

8 ~~t6~~<sup>t7</sup>~~t8~~<sup>t9</sup>(7) Election costs shall be paid from county funds,  
 9 and any shares paid by other political subdivisions shall be  
 10 credited to the fund from which the costs were paid.

11 ~~t7~~<sup>t8</sup>~~t9~~<sup>t10</sup>(8) The proportionate costs referred to in  
 12 subsection (1) of this section shall be only those  
 13 additional costs incurred as a result of the political  
 14 subdivision holding its election in conjunction with the  
 15 primary or general election."

16 Section 3. Section 13-10-401, MCA, is amended to read:  
 17 "13-10-401. Date of presidential primary. In the years  
 18 in which a president of the United States is to be elected,  
 19 a presidential preference primary election will be held on  
 20 the same day as the primary election provided for in  
 21 ~~t3-t4-t5~~<sup>t6</sup> 20-20-105."

22 Section 4. Section 13-10-402, MCA, is amended to read:  
 23 "13-10-402. Ballot. ~~The regular party primary--ballots~~  
 24 ~~A--separate-ballot~~ SEPARATE BALLOTS FOR EACH POLITICAL PARTY  
 25 shall be used for the presidential preference primary

1 election. The--presidential--section-of-the-ballot-shall-be  
 2 placed-before-any-other-section,-nationwide,-state,-or-local."  
 3 Section 3. Section 13-38-201, MCA, is amended to read:  
 4 "13-38-201. Election of committeemen at primary. (1)  
 5 Each--political--party--shall-elect-at-each-primary-election  
 6 one-man-and-one-woman-who-shall-serve--as--committeemen--for  
 7 each--election-precinct. The committeemen shall be residents  
 8 and registered voters of the precinct.

9 (2) An--elector--may--be--placed--in--nomination--for  
 10 committeeman by a writing so stating, signed by the elector,  
 11 notarized--and--filed-in-the-office-of-the-registrar-within  
 12 the time--for--filing--declarations--naming--candidates--for  
 13 nomination-at-the-regular-biennial-primary-election.

14 (3) The--names-of-candidates-for-precinct-committeeman  
 15 of each--political--party--shall-be-printed-on-the-party-ticket  
 16 in the same manner as other candidates and the voter--shall  
 17 vote--for--them--in--the--same--manner--as--he--does--for--other  
 18 candidates.

19 (4) In the years in which a president--of--the--United  
 20 States--is--to--be--elected,--the--election--of--precinct  
 21 committeemen must be held on the same day--as--the--election  
 22 provided--for--in--20-20-105. In other years, the election of  
 23 precinct committeemen must be held on the same day--as--the  
 24 primary election provided for in 13-1-107(1)."

25 SECTION 5. SECTION 13-10-403, MCA, IS AMENDED TO READ:

1 "13-10-403. Form of ballot. The presidential  
 2 preference ballot for each political party shall list all  
 3 candidates nominated in accordance with the provisions of  
 4 this part and shall, in addition, include a presidential  
 5 ballot position which shall be designated as "no preference"  
 6 and a blank write-in space."

7 Section 6. Section 20-20-105, MCA, is amended to read:  
 8 "20-20-105. Regular school election day and special  
 9 school elections. The first fourth Tuesday of April March of  
 10 each year shall be the regular school election day. Unless  
 11 otherwise provided by law, special school elections may be  
 12 conducted at such times as determined by the trustees."

13 NEW SECTION. Section 7. Precedence of school election  
 14 provisions. (1) (A) Except as otherwise provided in this  
 15 title AND SUBSECTION (1)(B), presidential preference primary  
 16 elections must be conducted and canvassed and the results  
 17 must be returned in the same manner as primary elections.

18 (B) PRESIDENTIAL PREFERENCE PRIMARY RETURNS MAY BE  
 19 CANVASSED AND REPORTED BY POLLING PLACE, RATHER THAN BY  
 20 PRECINCT, IF THE PRESIDENTIAL PREFERENCE PRIMARY IS  
 21 CONDUCTED IN CONJUNCTION WITH A REGULARLY SCHEDULED SCHOOL  
 22 ELECTION.

23 (2) If a conflict arises between the requirements of  
 24 this title and the provisions of Title 20 relating to school  
 25 elections, the provisions of Title 20 prevail IF THE TWO

1 ELECTIONS ARE ADMINISTERED TOGETHER. IF THEY ARE NOT  
2 ADMINISTERED TOGETHER, THE PROVISIONS OF TITLE 13 PREVAIL.  
3 NEW SECTION. SECTION 8. ARRANGEMENT OF NAMES. THE  
4 PROVISIONS OF 13-12-205 DO NOT APPLY TO THE PRESIDENTIAL  
5 PREFERENCE PRIMARY BALLOT. AN ELECTION ADMINISTRATOR SHALL  
6 DETERMINE BY LOT THE ORDER OF CANDIDATES' NAMES ON THE  
7 BALLOT FOR THAT COUNTY.

8 NEW SECTION. Section 9. Extension of authority. Any  
9 existing authority of the secretary of state to make rules  
10 on the subject of the provisions of this act is extended to  
11 the provisions of this act.

12 NEW SECTION. Section 10. Codification instruction.  
13 Section 5-is SECTIONS 7 AND 8 ARE intended to be codified as  
14 an integral part of Title 13, chapter 10, part 4, and the  
15 provisions of Title 13, chapter 10, part 4, apply to seetion  
16 5 SECTIONS 7 AND 8.

17 NEW SECTION. Section 11. Contingent effective date.  
18 This act is effective on passage and approval of legislation  
19 OR ADOPTION OF PARTY RULES establishing the fourth Tuesday  
20 of March as the presidential preference primary election  
21 date or presidential caucus date in any two of the following  
22 states: Idaho, Oregon, or Washington.

-End-

13 BY REQUEST OF THE GOVERNOR AND THE SECRETARY OF STATE

15 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE DATE OF  
16 THE MONTANA PRESIDENTIAL PRIMARY AND SCHOOL ELECTIONS;  
17 AMENDING SECTIONS 13-1-104, 13-1-302, 13-10-4017--13-10-4027,  
18 13-36-2017, THROUGH 13-10-403, AND 20-20-105, MCA; AND  
19 PROVIDING A CONTINGENT EFFECTIVE DATE."

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

**SECTION 1. SECTION 13-1-104, MCA, IS AMENDED TO READ:**

23           "13-1-104. Times for holding general elections. (1) A  
24        general election shall be held throughout the state in every  
25        even-numbered year on the first Tuesday after the first

1 Monday of November to vote on ballot issues required by  
2 Article III, section 6, or Article XIV, section 8, of the  
3 Montana constitution to be submitted by the legislature to  
4 the electors at a general election, unless an earlier date  
5 is provided in a law authorizing a special election on an  
6 initiative or referendum pursuant to Article III, section 6,  
7 and to elect federal officers, state or multicounty district  
8 officers, members of the legislature, judges of the district  
9 court, and county officers when the terms of such offices  
10 will expire before the next scheduled election for the  
11 offices or when one of the offices must be filled for an  
12 unexpired term as provided by law.

23 (3) The general election for any political subdivision  
24 required to hold elections annually shall be held on regular  
25 school election day,--the--first--Tuesday--of--April--of--each



1 year, and is subject to the election procedures provided for  
2 in 13-1-401."

3 SECTION 2. SECTION 13-1-302, MCA, IS AMENDED TO READ:

4 "13-1-302. Election costs. (1) Unless specifically  
5 provided otherwise, all costs of the regularly scheduled  
6 primary and general elections shall be paid by the counties  
7 and other political subdivisions for which the elections are  
8 held. Each political subdivision shall bear its  
9 proportionate share of the costs as determined by the county  
10 governing body.

11 (2) A political subdivision holding an annual election  
12 with a regularly scheduled school election shall bear its  
13 proportionate share of the costs as determined by the county  
14 election administrator and the school district election  
15 administrator.

16 (3) The political subdivision for which a special  
17 election is held shall bear all costs of the election, or  
18 its proportionate share as determined by the county  
19 governing body if held in conjunction with any other  
20 election.

21 (4) The costs of a presidential preference primary  
22 provided for in 13-10-401 must be paid by the county;  
23 however, if the primary is held in conjunction with a  
24 regularly scheduled school election, the county and the  
25 school district each shall bear a proportionate share of the

1 costs as determined by the county election administrator and  
2 the school district election administrator.

3 ~~t4t(5)~~ Costs of elections may not include the services  
4 of the election administrator or capital expenditures.

5 ~~t5t(6)~~ The county governing body shall set a schedule  
6 of fees for services provided to school districts by the  
7 election administrator.

8 ~~t6t(7)~~ Election costs shall be paid from county funds,  
9 and any shares paid by other political subdivisions shall be  
10 credited to the fund from which the costs were paid.

11 ~~t7t(8)~~ The proportionate costs referred to in  
12 subsection (1) of this section shall be only those  
13 additional costs incurred as a result of the political  
14 subdivision holding its election in conjunction with the  
15 primary or general election."

16 Section 3. Section 13-10-401, MCA, is amended to read:  
17 "13-10-401. Date of presidential primary. In the years  
18 in which a president of the United States is to be elected,  
19 a presidential preference primary election will be held on  
20 the same day as the primary election provided for in  
21 ~~t3-t-107~~ 20-20-105."

22 Section 4. Section 13-10-402, MCA, is amended to read:  
23 "13-10-402. Ballot. The-regular-party-primary--ballots  
24 A--separate-ballot SEPARATE BALLOTS FOR EACH POLITICAL PARTY  
25 shall be used for the presidential preference primary

1 election. The--presidential--section-of-the-ballot-shall-be  
 2 placed-before-any-other-sections--national--state--or-local--"  
 3 Section 3:--Section 13-38-201, MCA, is amended to read:  
 4 "13-38-201. Election of committeemen at primary.---{(1)}  
 5 Each--political--party--shall-elect-at-each-primary-election  
 6 one-man-and-one-woman-who-shall-serve--as--committeemen--for  
 7 each--election-precinct. The committeemen shall be residents  
 8 and registered voters of the precinct.

9 {(2)}--An--elector--may--be--placed--in--nomination---for  
 10 committeeeman-by-a-writing-so-stating,--signed-by-the-elector,  
 11 notarized,--and--filed-in-the-office-of-the-registrar-within  
 12 the-time--for--filing--declarations--naming--candidates--for  
 13 nomination-at-the-regular-biennial-primary-election.

14 {(3)}--The--names-of-candidates-for-precinct-committeeman  
 15 of-each-political-party-shall-be-printed-on-the-party-ticket  
 16 in-the-same-manner-as-other-candidates-and-the--voter--shall  
 17 vote--for--them--in--the--same--manner--as-he-does-for-other  
 18 candidates.

19 {(4)}--In the years in which a president--of--the--United  
 20 States--is--to--be--elected,--the--election--of--precinct  
 21 committeemen--must--be--held--on--the--same--day--as--the--election  
 22 provided--for--in 20-20-105. In other years, the election of  
 23 precinct-committeemen--must--be--held--on--the--same--day--as--the  
 24 primary-election--provided--for--in 13-1-107{(1)}."

25 SECTION 5. SECTION 13-10-403, MCA, IS AMENDED TO READ:

1 "13-10-403. Form of ballot. The presidential  
 2 preference ballot for each political party shall list all  
 3 candidates nominated in accordance with the provisions of  
 4 this part and shall, in addition, include a presidential  
 5 ballot position which shall be designated as "no preference"  
 6 and a blank write-in space."

7 Section 6. Section 20-20-105, MCA, is amended to read:  
 8 "20-20-105. Regular school election day and special  
 9 school elections. The first fourth Tuesday of April March of  
 10 each year shall be the regular school election day. Unless  
 11 otherwise provided by law, special school elections may be  
 12 conducted at such times as determined by the trustees."

13 NEW SECTION. Section 7. Precedence of school election  
 14 provisions. (1) (A) Except as otherwise provided in this  
 15 title AND SUBSECTION (1)(B), presidential preference primary  
 16 elections must be conducted and canvassed and the results  
 17 must be returned in the same manner as primary elections.

18 (B) PRESIDENTIAL PREFERENCE PRIMARY RETURNS MAY BE  
 19 CANVASSED AND REPORTED BY POLLING PLACE, RATHER THAN BY  
 20 PRECINCT, IF THE PRESIDENTIAL PREFERENCE PRIMARY IS  
 21 CONDUCTED IN CONJUNCTION WITH A REGULARLY SCHEDULED SCHOOL  
 22 ELECTION.

23 (2) If a conflict arises between the requirements of  
 24 this title and the provisions of Title 20 relating to school  
 25 elections, the provisions of Title 20 prevail IF THE TWO

1     ELECTIONS ARE ADMINISTERED TOGETHER. IF THEY ARE NOT  
2     ADMINISTERED TOGETHER, THE PROVISIONS OF TITLE 13 PREVAIL.  
3         NEW SECTION. SECTION 8. ARRANGEMENT OF NAMES. THE  
4     PROVISIONS OF 13-12-205 DO NOT APPLY TO THE PRESIDENTIAL  
5     PREFERENCE PRIMARY BALLOT. AN ELECTION ADMINISTRATOR SHALL  
6     DETERMINE BY LOT THE ORDER OF CANDIDATES' NAMES ON THE  
7     BALLOT FOR THAT COUNTY.

8         NEW SECTION. Section 9. Extension of authority. Any  
9     existing authority of the secretary of state to make rules  
10    on the subject of the provisions of this act is extended to  
11    the provisions of this act.

12         NEW SECTION. Section 10. Codification instruction.  
13    Section-5-is SECTIONS 7 AND 8 ARE intended to be codified as  
14    an integral part of Title 13, chapter 10, part 4, and the  
15    provisions of Title 13, chapter 10, part 4, apply to section  
16    5 SECTIONS 7 AND 8.

17         NEW SECTION. Section 11. Contingent effective date.  
18    This act is effective on passage and approval of legislation  
19    OR ADOPTION OF PARTY RULES establishing the fourth Tuesday  
20    of March as the presidential preference primary election  
21    date or presidential caucus date in any two of the following  
22    states: Idaho, Oregon, or Washington.

-End-



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

6       SECTION 2. SECTION 13-1-302, MCA, IS AMENDED TO READ:  
 7       "13-1-302. Election costs. (1) Unless specifically  
 8 provided otherwise, all costs of the regularly scheduled  
 9 primary and general elections shall be paid by the counties  
 10 and other political subdivisions for which the elections are  
 11 held. Each political subdivision shall bear its  
 12 proportionate share of the costs as determined by the county  
 13 governing body.

14       (2) A political subdivision holding an annual election  
 15 with a regularly scheduled school election shall bear its  
 16 proportionate share of the costs as determined by the county  
 17 election administrator and the school district election  
 18 administrator.

19       (3) The political subdivision for which a special  
 20 election is held shall bear all costs of the election, or  
 21 its proportionate share as determined by the county  
 22 governing body if held in conjunction with any other  
 23 election.

24       (4) The costs of a presidential preference primary  
 25 provided for in 13-10-401 must be paid by the county;

1       however, if the primary is held in conjunction with a  
 2 regularly scheduled school election, the county and the  
 3 school district each shall bear a proportionate share of the  
 4 costs as determined by the county election administrator and  
 5 the school district election administrator. IF A COUNTY  
 6 ELECTION ADMINISTRATOR SPECIFIES POLLING PLACES OR HOURS  
 7 THAT DIFFER FROM THOSE SET FOR THE SCHOOL ELECTION, THE  
 8 COUNTY SHALL BEAR ANY ADDITIONAL COSTS INCURRED AS A RESULT  
 9 OF THE DIFFERENT POLLING PLACES OR HOURS.

10       t4t5) Costs of elections may not include the services  
 11 of the election administrator or capital expenditures.

12       t5t6) The county governing body shall set a schedule  
 13 of fees for services provided to school districts by the  
 14 election administrator.

15       t6t7) Election costs shall be paid from county funds,  
 16 and any shares paid by other political subdivisions shall be  
 17 credited to the fund from which the costs were paid.

18       t7t8) The proportionate costs referred to in  
 19 subsection (1) of this section shall be only those  
 20 additional costs incurred as a result of the political  
 21 subdivision holding its election in conjunction with the  
 22 primary or general election."

23       SECTION 3. SECTION 13-10-201, MCA, IS AMENDED TO READ:  
 24       "13-10-201. Declaration for nomination. (1) Each

25 candidate in the primary election, except nonpartisan

1 candidates filing under the provisions of chapter 14, shall  
 2 send a declaration for nomination to the secretary of state  
 3 or election administrator. Each candidate for governor  
 4 shall send a joint declaration for nomination with a  
 5 candidate for lieutenant governor.

6 (2) A declaration for nomination shall be filed in the  
 7 office of:

8 (a) the secretary of state for a congressional office,  
 9 state or district office to be voted for in more than one  
 10 county, member of the legislature, or judge of the district  
 11 court;

12 (b) the election administrator for a county,  
 13 municipal, precinct, or district office (other than a member  
 14 of the legislature or judge of the district court) to be  
 15 voted for in only one county.

16 (3) Each candidate shall sign the declaration and send  
 17 with it the required filing fee or, in the case of an  
 18 indigent candidate, send with it the documents required by  
 19 13-10-203. The declaration for nomination shall be  
 20 acknowledged by an officer empowered to acknowledge  
 21 signatures if sent by mail or by the officer of the office  
 22 at which the filing is made.

23 (4) The declaration, when filed, is conclusive  
 24 evidence that the elector is a candidate for nomination by  
 25 his party.

1 (5) The declaration for nomination shall be in the  
 2 form and contain the information prescribed by the secretary  
 3 of state. The secretary of state and election administrator  
 4 shall furnish declaration for nomination forms to  
 5 individuals requesting them.

6 (6) Declarations for nomination shall be filed no  
 7 sooner than ~~the-first-business-day-in-January-of-an~~ 135 days  
 8 before the election year-for-that-office in which the office  
 9 first appears on the ballot and no later than 5 p.m., 75  
 10 days before the date of the primary election."

11 Section 4. Section 13-10-401, MCA, is amended to read:  
 12 "13-10-401. Date of presidential primary. In the years  
 13 in which a president of the United States is to be elected,  
 14 a presidential preference primary election will be held on  
 15 the same day as the primary election provided for in  
 16 ~~13-1-107~~ 20-20-105."

17 Section 5. Section 13-10-402, MCA, is amended to read:  
 18 "13-10-402. Ballot. ~~The-regular-party-primary--ballots~~  
 19 A--separate-ballot SEPARATE BALLOTS FOR EACH POLITICAL PARTY  
 20 shall be used for the presidential preference primary  
 21 election. ~~The--presidential--section-of-the-ballot--shall--be~~  
 22 placed-before-any-other-section,-national,-state,-or-local."

23 Section 3. Section 13-38-201, MCA, is amended to read:  
 24 "13-38-201. ~~Election-of-committeemen-at-primary--~~  
 25 Each--political--party--shall--elect--at--each--primary--election

1       one-man-and-one-woman-who-shall-serve--as--committeemen--for  
 2       each--election-precinct--The-committeemen-shall-be-residents  
 3       and-registered-voters-of-the-precinct--

4       +27--An--elector--may--be--placed--in--nomination---for  
 5       committeeman-by-a-writing-so-stating,-signed-by-the-elector,  
 6       notarized,--and--filed-in-the-office-of-the-registrar-within  
 7       the-time--for--filing--declarations--naming--candidates--for  
 8       nomination-at-the-regular-biennial-primary-election;

9       +37--The--names-of-candidates-for-precinct-committeeman  
 10      of-each-political-party-shall-be-printed-on-the-party-ticket  
 11      in-the-same-manner-as-other-candidates-and-the--voter--shall  
 12      vote--for--them--in--the--same--manner--as-he-does-for-other  
 13      candidates.

14       +47--In-the-years-in-which-a-president--of--the--United  
 15      States--is--to--be--elected,--the--election--of--precinct  
 16      committeemen-must-be-held-on-the-same-day--as--the--election  
 17      provided--for--in-20-20-105. In-other-years, the-election-of  
 18      precinct-committeemen-must-be-held-on-the-same--day--as--the  
 19      primary-election-provided-for-in-13-1-107(1)."

20       SECTION 6. SECTION 13-10-403, MCA, IS AMENDED TO READ:  
 21       "13-10-403. Form of ballot. The presidential  
 22      preference ballot for each political party shall list all  
 23      candidates nominated in accordance with the provisions of  
 24      this part and shall, in addition, include a presidential  
 25      ballot position which shall be designated as "no preference"

1       and a blank write-in space."

2       SECTION 7. SECTION 13-10-405, MCA, IS AMENDED TO READ:  
 3       "13-10-405. Submission and verification of petition.  
 4       Petitions of nomination for the presidential preference  
 5       primary election must be presented to the election  
 6       administrator of the county in which the signatures are  
 7       gathered. The election administrator must verify the  
 8       signatures in the manner prescribed in 13-27-303 through  
 9       13-27-308 and must forward the petitions to the secretary of  
 10      state. The petitions must be submitted to the election  
 11      administrator ~~at-least-30-days~~ before the filing deadline  
 12      established in 13-10-201(6). No filing fee is required."

13       SECTION 8. SECTION 13-19-104, MCA, IS AMENDED TO READ:  
 14       "13-19-104. Mail ballot elections not mandatory --  
 15      when authorized -- when prohibited. (1) Conducting elections  
 16      by mail ballot is only one option available to local  
 17      officials and nothing in this chapter mandates that the  
 18      procedure be used.

19       (2) The following elections may be conducted by mail  
 20      ballot:

21       (a) an election in a political subdivision required to  
 22      hold annual elections under 13-1-104(3), other than a school  
 23      district;

24       (b) an election in a city of the third class, as  
 25      defined in 7-1-4111(3), if all of the candidates whose names

1 will appear on the ballot are candidates for offices to be  
 2 elected without party designation;

3 (c) an election in a town as defined in 7-1-4111(4);  
 4 (d) an election conducted under 7-13-2236 in an  
 5 unincorporated area; and

6 (e) a special election called by a local government  
 7 unit for the sole purpose of submitting one or more ballot  
 8 issues to its qualified electors if such special election is  
 9 not held in conjunction with a statutorily scheduled  
 10 election; and

11 (f) presidential preference primaries.

12 (3) The following elections may not be conducted by  
 13 mail ballot:

14 (a) an election held for one of the purposes or at the  
 15 time provided in 13-1-104(1) and 13-1-107(1);

16 (b) an election held for one of the purposes or at the  
 17 time provided in 13-1-104(2) and 13-1-107(2), except as  
 18 specifically allowed by subsections (2)(b) and (2)(c) of  
 19 this section;

20 (c) an election for any purpose conducted by or on  
 21 behalf of a school district;

22 (d) an election being held under the provisions of the  
 23 Montana Recall Act, in Title 2, chapter 16, part 6;

24 (e) an election involving candidates for public  
 25 office, except as specifically allowed by subsections (2)(a)

1 through (2)(c) of this section; and

2 (f) a special election being held in conjunction with  
 3 a statutorily scheduled election."

4 Section 9. Section 20-20-105, MCA, is amended to read:  
 5 "20-20-105. Regular school election day and special  
 6 school elections. The first fourth Tuesday of April March of  
 7 each year shall be the regular school election day. Unless  
 8 otherwise provided by law, special school elections may be  
 9 conducted at such times as determined by the trustees."

10 NEW SECTION. --Section 7. --Precedence-of-school-election  
 11 provisions. ---(1) (A) Except as otherwise provided in this  
 12 title AND SUBSECTION (1)(B) presidential preference primary  
 13 elections must be conducted and canvassed and the results  
 14 must be returned in the same manner as primary elections.

15 (B) --PRESIDENTIAL--PREFERENCE--PRIMARY--RETURNS--MAY--BE  
 16 CANVASSED--AND--REPORTED--BY--POLLING--PLACE,--RATHER--THAN--BY  
 17 PRECINCT,-- IF --THE--PRESIDENTIAL--PREFERENCE--PRIMARY--IS  
 18 CONDUCTED--IN--CONJUNCTION--WITH--A--REGULARLY--SCHEDULED--SCHOOL  
 19 ELECTION.

20 (2) --If--a--conflict-arises--between--the--requirements--of  
 21 this--title--and--the--provisions--of--Title--20--relating--to--school  
 22 elections--the--provisions--of--Title--20--prevail--IF--THE--TWO  
 23 ELECTIONS--ARE--ADMINISTERED--TOGETHER,--IF--THEY--ARE--NOT  
 24 ADMINISTERED--TOGETHER,--THE--PROVISIONS--OF--TITLE--13--PRESERVE--

25 NEW SECTION. SECTION 10. PRESIDENTIAL PREFERENCE

1 PRIMARY ELECTION PROCEDURES. (1) THE POLLS FOR A  
 2 PRESIDENTIAL PREFERENCE PRIMARY ELECTION MUST OPEN NOT LATER  
 3 THAN NOON. THE COUNTY ELECTION ADMINISTRATOR MAY ORDER THE  
 4 POLLS TO OPEN EARLIER, BUT NO EARLIER THAN 7 A.M.

5 (2) PROCEDURES FOR THE CLOSE OF VOTER REGISTRATION FOR  
 6 A PRESIDENTIAL PREFERENCE PRIMARY ELECTION MUST FOLLOW  
 7 13-2-301.

8 (3) THE COUNTY ELECTION ADMINISTRATOR MAY DESIGNATE  
 9 POLLING PLACES FOR A PRESIDENTIAL PREFERENCE PRIMARY THAT  
 10 DIFFER FROM THOSE DESIGNATED FOR OTHER COUNTY ELECTIONS.  
 11 NOTICE OF THE LOCATION OF POLLING PLACES MUST BE GIVEN AS  
 12 PROVIDED IN 13-3-105.

13 (4) FOR A PRESIDENTIAL PREFERENCE PRIMARY ELECTION,  
 14 THE ELECTION ADMINISTRATOR SHALL APPOINT, UNDER THE  
 15 PROVISIONS OF 13-4-102(3), AT LEAST THREE ELECTION JUDGES  
 16 FOR EACH POLLING PLACE. THE JUDGES MAY ALSO SERVE FOR SCHOOL  
 17 ELECTIONS AND SPECIAL DISTRICT ELECTIONS. THE PROVISIONS OF  
 18 13-4-105, 13-4-106, AND 13-4-107 APPLY TO THE ELECTION  
 19 JUDGES FOR THE PRESIDENTIAL PREFERENCE PRIMARY.

20 (5) ELECTION DAY POLLING PLACE PROCEDURES, ABSENTEE  
 21 BALLOTTING, CHALLENGED BALLOT PROCEDURES, CANVASSING, AND  
 22 RECOUNT PROCEDURES FOR THE PRESIDENTIAL PREFERENCE PRIMARY  
 23 ELECTION MUST COMPLY WITH THE REQUIREMENTS OF TITLE 13,  
 24 EXCEPT THAT PRESIDENTIAL PREFERENCE PRIMARY RETURNS MAY BE  
 25 CANVASSED AND REPORTED BY PRECINCT OR BY POLLING PLACE.

1 NEW SECTION. SECTION 11. ARRANGEMENT OF NAMES. THE  
 2 PROVISIONS OF 13-12-205 DO NOT APPLY TO THE PRESIDENTIAL  
 3 PREFERENCE PRIMARY BALLOT. AN ELECTION ADMINISTRATOR SHALL  
 4 DETERMINE BY LOT THE ORDER OF CANDIDATES' NAMES ON THE  
 5 BALLOT FOR THAT COUNTY.

6 NEW SECTION. SECTION 12. REPEALER. SECTION 13-10-406,  
 7 MCA, IS REPEALED.

8 NEW SECTION. Section 13. Extension of authority. Any  
 9 existing authority of the secretary of state to make rules  
 10 on the subject of the provisions of this act is extended to  
 11 the provisions of this act.

12 NEW SECTION. Section 14. Codification instruction.  
 13 Section--5--is SECTIONS 7--AND--8 9--AND--10 10 AND 11 ARE  
 14 intended to be codified as an integral part of Title 13,  
 15 chapter 10, part 4, and the provisions of Title 13, chapter  
 16 10, part 4, apply to section-5 SECTIONS 7--AND--8 9--AND--10 10  
 17 AND 11.

18 NEW SECTION. Section 15. Contingent-----effective  
 19 EFFECTIVE date. This act is (1) SECTIONS 1, 2, 4 THROUGH 6,  
 20 AND 8 THROUGH 10 11, 13, AND 14 ARE effective on passage and  
 21 approval of legislation OR ADOPTION OF PARTY RULES  
 22 establishing the fourth Tuesday of March as the presidential  
 23 preference primary election date or presidential caucus date  
 24 in any two of the following states: Idaho, Oregon, or  
 25 Washington PRIOR TO NOVEMBER 15, 1987.

- 1        (2) SECTION 3 IS EFFECTIVE JULY 1, 1987.
- 2        (3) SECTIONS 7, 11 12, AND THIS SECTION ARE EFFECTIVE
- 3        ON PASSAGE AND APPROVAL.

-End-

## STANDING COMMITTEE REPORT

SENATE

MARCH 25

19 87

MR. PRESIDENT

We, your committee on SENATE STATE ADMINISTRATION having had under consideration.....  
third reading copy ( blue ) color

CHANGE DATE OF MONTANA PRESIDENTIAL PRIMARY  
Keenan (Lynch)

Respectfully report as follows: That.....  
HOUSE BILL..... No. 459

be amended as follows:

1. Title, line 17.  
Following: "13-1-302,"  
Insert: "13-10-201,"
2. Title, line 18.  
Following: "13-10-403,"  
Insert: "13-10-405,"  
Following: "MCA;"  
Insert: "REPEALING SECTION 13-10-406, MCA;"
3. Title, line 19.  
Strike: "A CONTINGENT"  
Following: "EFFECTIVE"  
Strike: "DATE"  
Insert: "DATES"
4. Page 4, line 2.  
Following: "administrator."  
Insert: "If a county election administrator specifies  
polling places or hours that differ from those set for  
the school election, the county shall bear any  
additional costs incurred as a result of the different  
polling places or hours."

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DOMINOPAQUE

(continued)

Chairman

Senate State Administration  
House Bill 459  
Page 2 of 4

MARCH 25

19 87

5. Page 4, line 15.  
Following: line 15  
Insert: "Section 3. Section 13-10-201, MCA, is amended to  
read:  
"13-10-201. Declaration for nomination. (1) Each  
candidate in the primary election, except nonpartisan  
candidates filing under the provisions of chapter 14,  
shall send a declaration for nomination to the  
secretary of state or election administrator. Each  
candidate for governor shall send a joint declaration  
for nomination with a candidate for lieutenant  
governor.  
(2) A declaration for nomination shall be filed  
in the office of:  
(a) the secretary of state for a congressional  
office, state or district office to be voted for in  
more than one county, member of the legislature, or  
judge of the district court;  
(b) the election administrator for a county,  
municipal, precinct, or district office (other than a  
member of the legislature or judge of the district  
court) to be voted for in only one county.  
(3) Each candidate shall sign the declaration and  
send with it the required filing fee or, in the case  
of an indigent candidate, send with it the documents  
required by 13-10-203. The declaration for nomination  
shall be acknowledged by an officer empowered to  
acknowledge signatures if sent by mail or by the  
officer of the office at which the filing is made.  
(4) The declaration, when filed, is conclusive  
evidence that the elector is a candidate for  
nomination by his party.  
(5) The declaration for nomination shall be in  
the form and contain the information prescribed by the  
secretary of state. The secretary of state and  
election administrator shall furnish declaration for  
nomination forms to individuals requesting them.  
(6) Declarations for nomination shall be filed no  
sooner than the-first-business-day-in-January-of-an  
135 days before the election year-for-that-office in  
which the office first appears on the ballot and no  
later than 5 p.m., 75 days before the date of the  
primary election."  
Renumber: subsequent sections
6. Page 6, line 7.  
Following: line 6  
Insert: "Section 7. Section 13-10-405, MCA, is amended to  
read:  
(continued)

"13-10-405. Submission and verification of petition. Petitions of nomination for the presidential preference primary election must be presented to the election administrator of the county in which the signatures are gathered. The election administrator must verify the signatures in the manner prescribed in 13-27-303 through 13-27-308 and must forward the petitions to the secretary of state. The petitions must be submitted to the election administrator at least 30 days before the filing deadline established in 13-10-201(6). No filing fee is required."

Renumber: subsequent sections

7. Page 6, line 13 through page 7, line 2.  
Following: line 13

Strike: section 7 in its entirety

Insert: "NEW SECTION. Section 9. Presidential preference primary election procedures. (1) The polls for a presidential preference primary election must open not later than noon. The county election administrator may order the polls to open earlier, but no earlier than 7 a.m.

(2) Procedures for the close of voter registration for a presidential preference primary election must follow 13-2-301.

(3) The county election administrator may designate polling places for a presidential preference primary that differ from those designated for other county elections. Notice of the location of polling places must be given as provided in 13-3-105.

(4) For a presidential preference primary election, the election administrator shall appoint, under the provisions of 13-4-102(3), at least three election judges for each polling place. The judges may also serve for school elections and special district elections. The provisions of 13-4-105, 13-4-106, and 13-4-107 apply to the election judges for the presidential preference primary.

(5) Election day polling place procedures, absentee balloting, challenged ballot procedures, canvassing, and recount procedures for the presidential preference primary election must comply with the requirements of Title 13, except that presidential preference primary returns may be canvassed and reported by precinct or by polling place."

(Continued)

8. Page 7, line 8.  
Following: line 7  
Insert: "NEW SECTION. Section 11. Repealer. Section 13-10-406, MCA, is repealed."  
Renumber: subsequent sections

9. Page 7, lines 13 and 16.  
Following: "SECTIONS"  
Strike: "7 AND 8"  
Insert: "9 and 10"

10. Page 7, line 17.  
Strike: "Contingent effective"  
Insert: "Effective"

11. Page 7, line 18  
Following: line 17  
Strike: "This act is"  
Insert: "(1) Sections 1, 2, 4 through 6, and 8 through 10 are"

12. Page 7.  
Following: line 22  
Insert: "(2) Section 3 is effective July 1, 1987."  
(3) Sections 7, 11, and this section are effective on passage and approval."

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*JK*  
AND AS AMENDED  
BE CONCURRED IN

*Jack Haffy*  
SENATOR JACK HAFFY, Chairman

## 300913p.cwo COMMITTEE OF THE WHOLE AMENDMENT

SENATE

3-30-87

DATE

9:13

TIME

459

No.

House Bill

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) as follows:

. Title, line 17.  
following: line 16  
insert: "ALLOWING A PRESIDENTIAL PREFERENCE PRIMARY TO BE HELD BY MAIL;"

. Title, line 18.  
following: "13-10-403."  
insert: "13-19-104,"

. Page 6.  
following: line 6  
insert: "Section 8. Section 13-19-104, MCA, is amended to read:  
"13-19-104. Mail ballot elections not mandatory -- when unauthorized -- when prohibited. (1) Conducting elections by mail ballot is only one option available to local officials and nothing in this chapter mandates that the procedure be used.  
(2) The following elections may be conducted by mail ballot:  
(a) an election in a political subdivision required to hold annual elections under 13-1-104(3), other than a school district;  
(b) an election in a city of the third class, as defined in 1-4111(3), if all of the candidates whose names will appear on the ballot are candidates for offices to be elected without party designation;  
(c) an election in a town as defined in 7-1-4111(4);  
(d) an election conducted under 7-13-2236 in an unincorporated area; and  
(e) a special election called by a local government unit for the sole purpose of submitting one or more ballot issues to its qualified electors if such special election is not held in conjunction with a statutorily scheduled election; and  
(f) presidential preference primaries.  
(3) The following elections may not be conducted by mail ballot:  
(a) an election held for one of the purposes or at the time provided in 13-1-104(1) and 13-1-107(1);  
(b) an election held for one of the purposes or at the time provided in 13-1-104(2) and 13-1-107(2), except as specifically allowed by subsections (2)(b) and (2)(c) of this section;  
(c) an election for any purpose conducted by or on behalf of a school district;

CONTINUED

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Page 2 of 4  
HB 459

March 30, 1987

(d) an election being held under the provisions of the Montana Recall Act, in Title 2, chapter 16, part 6;  
(e) an election involving candidates for public office, except as specifically allowed by subsections (2)(a) through (2)(c) of this section; and  
(f) a special election being held in conjunction with a statutorily scheduled election."

Renumber: subsequent sections

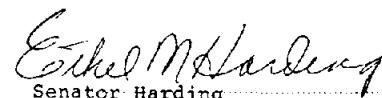
4. Page 7, line 18.  
Strike: "This act is"  
Insert: "Sections 1, 2, 4 through 6, and 8 through 13 are"

5. Page 7, line 22.  
Following: "Washington"  
Insert: "prior to November 15, 1987."

6. AMENDING SENATE STATE ADMINISTRATION STANDING COMMITTEE REPORT, DATED MARCH 25, 1987.  
Amendment No. 9, in Insert.  
Strike: "9 and 10"  
Insert: "10 and 11"

ADOPT

REJECT



Ethel M. Harding  
Senator Harding

# CONFERENCE COMMITTEE REPORT

Report No.....One.....

.....4-15..... 19.87....

MR. SPEAKER

We, your \_\_\_\_\_ Conference Committee on

HB 459

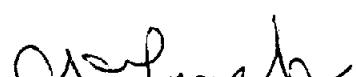
met and considered \_\_\_\_\_ Senate amendments to House Bill 459, third copy  
(blue) dated, March 24, 1987.

We recommend as follows:

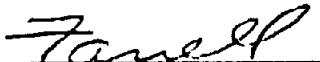
That the Senate amendments to House Bill 459 be concurred in.

And that this Conference Committee report be adopted.

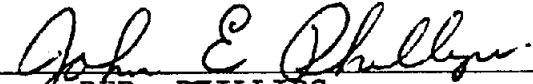
FOR THE SENATE

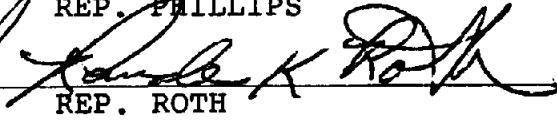
  
SENATOR LYNCH, Chairman

  
SENATOR KOLSTAD

  
SENATOR FARRELL

FOR THE HOUSE

  
REP. PHILLIPS

  
REP. ROTH

  
REP. KENNAN

HOUSE BILL NO. 459

INTRODUCED BY KEENAN, FARRELL, HANNAH, RANEY,  
REGAN, FRITZ, SPAETH, KENNERLY, BULGER, STRIZICH,  
STRATFORD, JONES, VINCENT, BRADLEY, HARP, C. SMITH,  
MILES, RAMIREZ, WINSLOW, THOMAS, STANG, DEMARS,  
SCHYE, DARKO, QUILICI, MENAHAN, LYNCH, ABRAMS,  
VAN VALKENBURG, WALKER, STIMATZ, NEUMAN, MILLER,  
COBB, SWYSGOOD, MEYERS, SIMON, BRANDEWIE, MENKE,  
ADDY, HOLLIDAY, BARDANOUVE, MERCER, M. WILLIAMS,  
IVERSON, KADAS, KITSELMAN, RUSSELL, O'CONNELL,  
D. BROWN, HARPER, POULSEN, JACOBSON, ECK,  
PHILLIPS, GRADY, GOULD, HANSEN

BY REQUEST OF THE GOVERNOR AND THE SECRETARY OF STATE

15 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE DATE OF  
16 THE MONTANA PRESIDENTIAL PRIMARY AND SCHOOL ELECTIONS;  
17 ALLOWING A PRESIDENTIAL PREFERENCE PRIMARY TO BE HELD BY  
18 MAIL; AMENDING SECTIONS 13-1-104, 13-1-302, 13-10-201,  
19 13-10-401, 13-10-402, 13-38-201, THROUGH 13-10-403,  
20 13-10-405, 13-19-104, AND 20-20-105, MCA; REPEALING SECTION  
21 13-10-406, MCA; AND PROVIDING A--CONTINGENT EFFECTIVE DATE  
22 DATES."

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

SECTION 1. SECTION 13-1-104, MCA, IS AMENDED TO READ:

1 "13-1-104. Times for holding general elections. (1) A  
2 general election shall be held throughout the state in every  
3 even-numbered year on the first Tuesday after the first  
4 Monday of November to vote on ballot issues required by  
5 Article III, section 6, or Article XIV, section 8, of the  
6 Montana constitution to be submitted by the legislature to  
7 the electors at a general election, unless an earlier date  
8 is provided in a law authorizing a special election on an  
9 initiative or referendum pursuant to Article III, section 6,  
10 and to elect federal officers, state or multicounty district  
11 officers, members of the legislature, judges of the district  
12 court, and county officers when the terms of such offices  
13 will expire before the next scheduled election for the  
14 offices or when one of the offices must be filled for an  
15 unexpired term as provided by law.

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



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

6       SECTION 2. SECTION 13-1-302, MCA, IS AMENDED TO READ:

7       "13-1-302. Election costs. (1) Unless specifically  
 8 provided otherwise, all costs of the regularly scheduled  
 9 primary and general elections shall be paid by the counties  
 10 and other political subdivisions for which the elections are  
 11 held. Each political subdivision shall bear its  
 12 proportionate share of the costs as determined by the county  
 13 governing body.

14       (2) A political subdivision holding an annual election  
 15 with a regularly scheduled school election shall bear its  
 16 proportionate share of the costs as determined by the county  
 17 election administrator and the school district election  
 18 administrator.

19       (3) The political subdivision for which a special  
 20 election is held shall bear all costs of the election, or  
 21 its proportionate share as determined by the county  
 22 governing body if held in conjunction with any other  
 23 election.

24       (4) The costs of a presidential preference primary  
 25 provided for in 13-10-401 must be paid by the county;

1       however, if the primary is held in conjunction with a  
 2 regularly scheduled school election, the county and the  
 3 school district each shall bear a proportionate share of the  
 4 costs as determined by the county election administrator and  
 5 the school district election administrator. IF A COUNTY  
 6 ELECTION ADMINISTRATOR SPECIFIES POLLING PLACES OR HOURS  
 7 THAT DIFFER FROM THOSE SET FOR THE SCHOOL ELECTION, THE  
 8 COUNTY SHALL BEAR ANY ADDITIONAL COSTS INCURRED AS A RESULT  
 9 OF THE DIFFERENT POLLING PLACES OR HOURS.

10       t47(5) Costs of elections may not include the services  
 11 of the election administrator or capital expenditures.

12       t57(6) The county governing body shall set a schedule  
 13 of fees for services provided to school districts by the  
 14 election administrator.

15       t67(7) Election costs shall be paid from county funds,  
 16 and any shares paid by other political subdivisions shall be  
 17 credited to the fund from which the costs were paid.

18       t77(8) The proportionate costs referred to in  
 19 subsection (1) of this section shall be only those  
 20 additional costs incurred as a result of the political  
 21 subdivision holding its election in conjunction with the  
 22 primary or general election."

23       SECTION 3. SECTION 13-10-201, MCA, IS AMENDED TO READ:

24       "13-10-201. Declaration for nomination. (1) Each  
 25 candidate in the primary election, except nonpartisan

1 candidates filing under the provisions of chapter 14, shall  
 2 send a declaration for nomination to the secretary of state  
 3 or election administrator. Each candidate for governor  
 4 shall send a joint declaration for nomination with a  
 5 candidate for lieutenant governor.

6 (2) A declaration for nomination shall be filed in the  
 7 office of:

8 (a) the secretary of state for a congressional office,  
 9 state or district office to be voted for in more than one  
 10 county, member of the legislature, or judge of the district  
 11 court;

12 (b) the election administrator for a county,  
 13 municipal, precinct, or district office (other than a member  
 14 of the legislature or judge of the district court) to be  
 15 voted for in only one county.

16 (3) Each candidate shall sign the declaration and send  
 17 with it the required filing fee or, in the case of an  
 18 indigent candidate, send with it the documents required by  
 19 13-10-203. The declaration for nomination shall be  
 20 acknowledged by an officer empowered to acknowledge  
 21 signatures if sent by mail or by the officer of the office  
 22 at which the filing is made.

23 (4) The declaration, when filed, is conclusive  
 24 evidence that the elector is a candidate for nomination by  
 25 his party.

1 (5) The declaration for nomination shall be in the  
 2 form and contain the information prescribed by the secretary  
 3 of state. The secretary of state and election administrator  
 4 shall furnish declaration for nomination forms to  
 5 individuals requesting them.

6 (6) Declarations for nomination shall be filed no  
 7 sooner than ~~the-first-business-day-in-january-of-an~~ 135 days  
 8 before the election year-for-that-office in which the office  
 9 first appears on the ballot and no later than 5 p.m., 75  
 10 days before the date of the primary election."

11 Section 4. Section 13-10-401, MCA, is amended to read:  
 12 "13-10-401. Date of presidential primary. In the years  
 13 in which a president of the United States is to be elected,  
 14 a presidential preference primary election will be held on  
 15 the same day as the primary election provided for in  
 16 ~~13-1-107~~ 20-20-105."

17 Section 5. Section 13-10-402, MCA, is amended to read:  
 18 "13-10-402. Ballot. ~~The regular party primary--ballots~~  
 19 A--separate-ballot SEPARATE BALLOTS FOR EACH POLITICAL PARTY  
 20 shall be used for the presidential preference primary  
 21 election. ~~The--presidential--section-of-the-ballot--shall--be~~  
 22 ~~placed--before--any--other--section--national--state--or--local~~"  
 23 Section 3---Section 13-38-201, MCA, is amended to read:  
 24 "13-38-201.---Election-of-committeemen-at-primary---(1)  
 25 Each--political--party--shall--elect--at--each--primary--election

1 one-man-and-one-woman-who-shall-serve--as--committeemen--for  
 2 each--election-precinct.--The-committeemen-shall-be-residents  
 3 and-registered-voters-of-the-precinct.

4 {2}--An--elector--may--be--placed--in--nomination--for  
 5 committeeman-by-a-writing-so-stating,-signed-by-the-elector,  
 6 notarized;--and--filed-in-the-office-of-the-registrar-within  
 7 the-time--for--filing--declarations--naming--candidates--for  
 8 nomination-at-the-regular-biennial-primary-election.

9 {3}--The--names-of-candidates-for-precinct-committeeman  
 10 of-each-political-party-shall-be-printed-on-the-party-ticket  
 11 in-the-same-manner-as-other-candidates-and-the--voter--shall  
 12 vote--for--them--in--the--same--manner--as-he-does-for-other  
 13 candidates.

14 {4}--In-the-years-in-which-a-president--of--the--United  
 15 States---is---to---be--elected;--the--election--of--precinct  
 16 committeemen-must-be-held-on-the-same-day--as--the--election  
 17 provided--for--in-20-20-105--in-other-years;--the-election-of  
 18 precinct-committeemen-must-be-held-on-the-same--day--as--the  
 19 primary-election-provided-for-in-13-1-107{17};"

20 SECTION 6. SECTION 13-10-403, MCA, IS AMENDED TO READ:  
 21 "13-10-403. Form of ballot. The presidential  
 22 preference ballot for each political party shall list all  
 23 candidates nominated in accordance with the provisions of  
 24 this part and shall, in addition, include a presidential  
 25 ballot position which shall be designated as "no preference"

1 and a blank write-in space."

2 SECTION 7. SECTION 13-10-405, MCA, IS AMENDED TO READ:  
 3 "13-10-405. Submission and verification of petition.  
 4 Petitions of nomination for the presidential preference  
 5 primary election must be presented to the election  
 6 administrator of the county in which the signatures are  
 7 gathered. The election administrator must verify the  
 8 signatures in the manner prescribed in 13-27-303 through  
 9 13-27-308 and must forward the petitions to the secretary of  
 10 state. The petitions must be submitted to the election  
 11 administrator ~~at-least-30-days~~ before the filing deadline  
 12 established in 13-10-201(6). No filing fee is required."

13 SECTION 8.--SECTION-13-19-1047-MCA, IS AMENDED TO READ:  
 14 "13-19-1047--Mail--ballot--elections--not--mandatory--  
 15 when--authorized-----when--prohibited.----{1}---Conducting  
 16 elections--by--mail--ballot--is-only-one-option-available-to  
 17 local-officials-and-nothing-in-this--chapter--mandates--that  
 18 the-procedure-be-used.

19 {2}--The--following--elections--may--be--conducted--by-mail  
 20 ballot:

21 {a}--an-election-in-a-political-subdivision-required-to  
 22 hold-annual-elections-under-13-1-104{3},-other-than-a-school  
 23 district;

24 {b}--an-election-in-a--city--of--the--third--class--as  
 25 defined-in-7-1-422{3},-if-all-of-the-candidates-whose-names

1 will--appear--on-the-ballot--are-candidates--for-offices--to-be  
 2 elected--without--party--designation;  
 3       {e)--an-election--in-a-town-as-defined--in--7-1-433(4);  
 4       {d)--an--election--conducted--under--7-13-2236--in--an  
 5 unincorporated-area;--and  
 6       {e)--a-special-election--called--by--a--local--government  
 7 unit--for--the--sole--purpose--of--submitting--one--or--more--ballot  
 8 issues--to--its--qualified--electors--if--such--special--election--is  
 9 not--held--in--conjunction--with--a--statutorily--scheduled  
 10 election;--and  
 11       {f)--presidential-preference-primaries.  
 12       {3)--The--following--elections--may--not--be--conducted--by  
 13 mail--ballot:  
 14       {a)--an-election--held--for--one--of--the--purposes--or--at--the  
 15 time--provided--in--13-1-104{1)--and--13-1-107{1};  
 16       {b)--an-election--held--for--one--of--the--purposes--or--at--the  
 17 time--provided--in--13-1-104{2)--and--13-1-107{2};--except--as  
 18 specifically--allowed--by--subsections--{2}{b)--and--{2}{e)--of  
 19 this--section;  
 20       {c)--an-election--for--any--purpose--conducted--by--or--on  
 21 behalf--of--a--school--district;  
 22       {d)--an-election--being--held--under--the--provisions--of--the  
 23 Montana--Recall--Act;--in--Title--2;--chapter--16;--part--6;  
 24       {e)--an--election--involving--candidates--for--public  
 25 office;--except--as--specifically--allowed--by--subsections--{2}{a})

1       through--{2}{e)--of--this--section;--and  
 2       {f)--a--special--election--being--held--in--conjunction--with  
 3 a--statutorily--scheduled--election;"  
 4       Section 8. Section 20-20-105, MCA, is amended to read:  
 5       "20-20-105. Regular school election day and special  
 6 school elections. The first fourth Tuesday of April March of  
 7 each year shall be the regular school election day. Unless  
 8 otherwise provided by law, special school elections may be  
 9 conducted at such times as determined by the trustees."  
 10       NEW SECTION.--Section 7.--Precedence--of--school--election  
 11 provisions--{1}{A)--Except--as--otherwise--provided--in--this  
 12 title--AND--SUBSECTION--{1}{B)--presidential--preference--primary  
 13 elections--must--be--conducted--and--canvassed--and--the--results  
 14 must--be--returned--in--the--same--manner--as--primary--elections.  
 15       {B)--PRESIDENTIAL-PREFERENCE--PRIMARY--RETURNS--MAY--BE  
 16 CANVASSED--AND--REPORTED--BY--POLING--PLACE;--RATHER--THAN--BY  
 17 POLLINER;--IF--THE--PRESIDENTIAL--PREFERENCE--PRIMARY--IS  
 18 CONDUCTED--IN--CONJUNCTION--WITH--A--REGULARLY--SCHEDULED--SCHOOL  
 19 ELECTION.  
 20       {2)--If--a--conflict--arises--between--the--requirements--of  
 21 this--title--and--the--provisions--of--Title--20--relating--to--school  
 22 elections;--the--provisions--of--Title--20--prevail--IF--THE--TWO  
 23 ELECTIONS--ARE--ADMINISTERED--TOGETHER;--IF--THEY--ARE--NOT  
 24 ADMINISTERED--TOGETHER;--THE--PROVISIONS--OF--TITLE--13--PREVAIL.  
 25       NEW SECTION. SECTION 9. PRESIDENTIAL PREFERENCE

1 PRIMARY ELECTION PROCEDURES. (1) THE POLLS FOR A  
 2 PRESIDENTIAL PREFERENCE PRIMARY ELECTION MUST OPEN NOT LATER  
 3 THAN NOON. THE COUNTY ELECTION ADMINISTRATOR MAY ORDER THE  
 4 POLLS TO OPEN EARLIER, BUT NO EARLIER THAN 7 A.M.

5 (2) PROCEDURES FOR THE CLOSE OF VOTER REGISTRATION FOR  
 6 A PRESIDENTIAL PREFERENCE PRIMARY ELECTION MUST FOLLOW  
 7 13-2-301.

8 (3) THE COUNTY ELECTION ADMINISTRATOR MAY DESIGNATE  
 9 POLLING PLACES FOR A PRESIDENTIAL PREFERENCE PRIMARY THAT  
 10 DIFFER FROM THOSE DESIGNATED FOR OTHER COUNTY ELECTIONS.  
 11 NOTICE OF THE LOCATION OF POLLING PLACES MUST BE GIVEN AS  
 12 PROVIDED IN 13-3-105.

13 (4) FOR A PRESIDENTIAL PREFERENCE PRIMARY ELECTION,  
 14 THE ELECTION ADMINISTRATOR SHALL APPOINT, UNDER THE  
 15 PROVISIONS OF 13-4-102(3), AT LEAST THREE ELECTION JUDGES  
 16 FOR EACH POLLING PLACE. THE JUDGES MAY ALSO SERVE FOR SCHOOL  
 17 ELECTIONS AND SPECIAL DISTRICT ELECTIONS. THE PROVISIONS OF  
 18 13-4-105, 13-4-106, AND 13-4-107 APPLY TO THE ELECTION  
 19 JUDGES FOR THE PRESIDENTIAL PREFERENCE PRIMARY.

20 (5) ELECTION DAY POLLING PLACE PROCEDURES, ABSENTEE  
 21 BALLOTTING, CHALLENGED BALLOT PROCEDURES, CANVASSING, AND  
 22 RECOUNT PROCEDURES FOR THE PRESIDENTIAL PREFERENCE PRIMARY  
 23 ELECTION MUST COMPLY WITH THE REQUIREMENTS OF TITLE 13,  
 24 EXCEPT THAT PRESIDENTIAL PREFERENCE PRIMARY RETURNS MAY BE  
 25 CANVASSED AND REPORTED BY PRECINCT OR BY POLLING PLACE.

1 NEW SECTION. SECTION 10. ARRANGEMENT OF NAMES. THE  
 2 PROVISIONS OF 13-12-205 DO NOT APPLY TO THE PRESIDENTIAL  
 3 PREFERENCE PRIMARY BALLOT. AN ELECTION ADMINISTRATOR SHALL  
 4 DETERMINE BY LOT THE ORDER OF CANDIDATES' NAMES ON THE  
 5 BALLOT FOR THAT COUNTY.

6 NEW SECTION. SECTION 11. REPEALER. SECTION 13-10-406,  
 7 MCA, IS REPEALED.

8 NEW SECTION. Section 12. Extension of authority. Any  
 9 existing authority of the secretary of state to make rules  
 10 on the subject of the provisions of this act is extended to  
 11 the provisions of this act.

12 NEW SECTION. Section 13. Codification instruction.  
 13 Section-5-is SECTIONS 7-AND-8 9-AND-10 10-AND-11 9 AND 10  
 14 ARE intended to be codified as an integral part of Title 13,  
 15 chapter 10, part 4, and the provisions of Title 13, chapter  
 16 10, part 4, apply to section-5 SECTIONS 7-AND-8 9-AND-10 10  
 17 AND-11 9 AND 10.

18 NEW SECTION. Section 14. Contingent-----effective  
 19 EFFECTIVE date. This-act-is (1) SECTIONS 1, 2, 4 THROUGH 6,  
 20 AND 8 THROUGH 10 11-13-AND-14 10, 12, AND 13 ARE effective  
 21 on passage and approval of legislation OR ADOPTION OF PARTY  
 22 RULES establishing the fourth Tuesday of March as the  
 23 presidential preference primary election date or  
 24 presidential caucus date in any two of the following  
 25 states: Idaho, Oregon, or Washington PRIOR TO NOVEMBER-15

1        AUGUST 1, 1987.

2        (2) SECTION 3 IS EFFECTIVE JULY 1, 1987.

3        (3) SECTIONS 7, 11, 12, 13, AND THIS SECTION ARE

4        EFFECTIVE ON PASSAGE AND APPROVAL.

-End-