

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, BARDANOUE, 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 Keenan Farrell Hand Felt Spa

3 BY REQUEST OF THE GOVERNOR AND THE SECRETARY OF STATE Stup

4 STRATIFIED James Vincent Bridley HARD C. Smith See

5 A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE DATE OF

6 THE MONTANA PRESIDENTIAL PRIMARY AND SCHOOL ELECTIONS;

7 AMENDING SECTIONS 13-10-401, 13-10-402, 13-38-201, AND

8 20-20-105, MCA; AND PROVIDING A CONTINGENT EFFECTIVE DATE."

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

10 Section 1. Section 13-10-401, MCA, is amended to read:

11 "13-10-401. Date of presidential primary. In the years

12 in which a president of the United States is to be elected,

13 a presidential preference primary election will be held on

14 the same day as the primary election provided for in

15 ~~13-1-107~~ 20-20-105."

16 Section 2. Section 13-10-402, MCA, is amended to read:

17 "13-10-402. Ballot. ~~The regular party primary ballots~~

18 A separate ballot shall be used for the presidential

19 preference primary election. ~~The presidential section of the~~

20 ~~ballot shall be placed before any other section, national~~

21 ~~state, or local."~~

22 Section 3. Section 13-38-201, MCA, is amended to read:

23 "13-38-201. Election of committeemen at primary. (1)

24 Each political party shall elect ~~at each primary election~~

25

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:

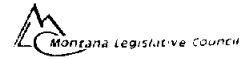
21 "20-20-105. Regular school election day and special

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

HOUSE BILL NO. 459

INTRODUCED BY KEENAN, FARRELL, HANNAH, RANEY,
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BY REQUEST OF THE GOVERNOR AND THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT CHANGING THE DATE OF
THE MONTANA PRESIDENTIAL PRIMARY AND SCHOOL ELECTIONS;
AMENDING SECTIONS 13-1-104, 13-1-302, 13-10-401,--~~13-10-402~~
~~13-30-201~~ THROUGH 13-10-403, AND 20-20-105, MCA; AND
PROVIDING A CONTINGENT EFFECTIVE DATE."

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

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

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

Monday of November to vote on ballot issues required by
Article III, section 6, or Article XIV, section 8, of the
Montana constitution to be submitted by the legislature to
the electors at a general election, unless an earlier date
is provided in a law authorizing a special election on an
initiative or referendum pursuant to Article III, section 6,
and to elect federal officers, state or multicounty district
officers, members of the legislature, judges of the district
court, and county officers when the terms of such 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.

(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.

(3) The general election for any political subdivision
required to hold elections annually shall be held on regular
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 ~~(4)~~(5) Costs of elections may not include the services
 4 of the election administrator or capital expenditures.

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

8 ~~(6)~~(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 ~~(7)~~(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 ~~13-1-107~~ 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 section, 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 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 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 HOUSE BILL NO. 459

2 INTRODUCED BY KEENAN, FARRELL, HANNAH, RANEY,
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13 BY REQUEST OF THE GOVERNOR AND THE SECRETARY OF STATE

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 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, 13-10-401--~~13-10-402~~
 18 ~~13-30-201~~ THROUGH 13-10-403, AND 20-20-105, MCA; AND
 19 PROVIDING A CONTINGENT EFFECTIVE DATE."

20
 21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

22 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.

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

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

8 ~~(6)~~(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 ~~(7)~~(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 ~~13-1-107~~ 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 section, 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 ~~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
10 of 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
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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.

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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
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21 date or presidential caucus date in any two of the following
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13 BY REQUEST OF THE GOVERNOR AND THE SECRETARY OF STATE
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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~~, ~~13-30-201~~ 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."
 23

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

25 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.

16 (2) A general election shall be held throughout the
 17 state in every odd-numbered year on the first Tuesday after
 18 the first Monday in November to elect municipal officers,
 19 officers of political subdivisions wholly within one county
 20 and not required to hold annual elections, and any other
 21 officers specified by law for election in odd-numbered years
 22 when the term for the offices will expire before the next
 23 scheduled election for the offices or when one of the
 24 offices must be filled for an unexpired term as provided by
 25 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 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 {4}(5) Costs of elections may not include the services
 11 of the election administrator or capital expenditures.

12 {5}(6) The county governing body shall set a schedule
 13 of fees for services provided to school districts by the
 14 election administrator.

15 {6}(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 {7}(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(i)."

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 PREVAIL.~~

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 BALLOTING, 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

Senate State Administration
House Bill 459
Page 2 of 4

MARCH 25 19 87

MR. PRESIDENT

We, your committee on SENATE STATE ADMINISTRATION

having had under consideration HOUSE BILL No. 459

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."

XXXXXXXX

XXXXXXXX

(continued)

Chairman

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)

3-26-87
10-2

"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."

E:hb459.txt/hm

AND AS AMENDED
BE CONCURRED IN

Jack Haffey
SENATOR JACK HAFFEY, Chairman

COMMITTEE OF THE WHOLE AMENDMENT

SENATE

3-30-87

DATE

9:13

TIME

459

House Bill

No.

R. CHAIRMAN: I MOVE TO AMEND

third blue

reading copy () as follows:

Color

. 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

authorized -- 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

7-1-4111(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

March 30,

87

19.

(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

Ernest 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

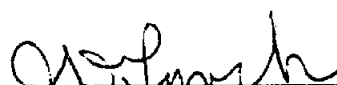
(blue) dated, March 24, 1987.

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

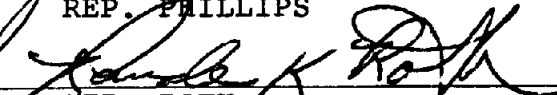


SENATOR FARRELL

FOR THE HOUSE



REP. PHILLIPS



REP. ROTH

REP. KENNAN

ADOPT REJECT

1 HOUSE BILL NO. 459

2 INTRODUCED BY KEENAN, FARRELL, HANNAH, RANEY,
 3 REGAN, FRITZ, SPAETH, KENNERLY, BULGER, STRIZICH,
 4 STRATFORD, JONES, VINCENT, BRADLEY, HARP, C. SMITH,
 5 MILES, RAMIREZ, WINSLOW, THOMAS, STANG, DEMARS,
 6 SCHYE, DARKO, QUILICI, MENAHAN, LYNCH, ABRAMS,
 7 VAN VALKENBURG, WALKER, STIMATZ, NEUMAN, MILLER,
 8 COBB, SWYSGOOD, MEYERS, SIMON, BRANDEWIE, MENKE,
 9 ADDY, HOLLIDAY, BARDANOUE, MERCER, M. WILLIAMS,
 10 IVERSON, KADAS, KITSELMAN, RUSSELL, O'CONNELL,
 11 D. BROWN, HARPER, POULSEN, JACOBSON, ECK,

12 PHILLIPS, GRADY, GOULD, HANSEN

13 BY REQUEST OF THE GOVERNOR AND THE SECRETARY OF STATE

14
 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~~, ~~13-30-201~~, 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."

23
 24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

25 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.

16 (2) A general election shall be held throughout the
 17 state in every odd-numbered year on the first Tuesday after
 18 the first Monday in November to elect municipal officers,
 19 officers of political subdivisions wholly within one county
 20 and not required to hold annual elections, and any other
 21 officers specified by law for election in odd-numbered years
 22 when the term for the offices will expire before the next
 23 scheduled election for the offices or when one of the
 24 offices must be filled for an unexpired term as provided by
 25 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 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 ~~(4)~~(5) Costs of elections may not include the services
 11 of the election administrator or capital expenditures.

12 ~~(5)~~(6) The county governing body shall set a schedule
 13 of fees for services provided to school districts by the
 14 election administrator.

15 ~~(6)~~(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 ~~(7)~~(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~~

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

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

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

(4) In the years in which a president of the United States is to be elected, the election of precinct committeemen must be held on the same day as the election provided for in 28-28-105; in other years, the election of precinct committeemen must be held on the same day as the primary election provided for in 13-1-107(1)."

SECTION 6. SECTION 13-10-403, MCA, IS AMENDED TO READ:

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

and a blank write-in space."

SECTION 7. SECTION 13-10-405, MCA, IS AMENDED TO READ:

"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."

SECTION 8. SECTION 13-19-104, MCA, IS AMENDED TO READ:

"13-19-104. Mail ballot elections not mandatory when authorized 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 7-1-411(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 7-1-411(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 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 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 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 BALLOTING, 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~~ 11, AND THIS SECTION ARE

4 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-