HOUSE BILL NO. 171

INTRODUCED BY SWIFT, HOFFMAN, CAMPBELL, COBB, THOMAS, WALLIN, THOFT

IN THE HOUSE

JANUARY 13, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
JANUARY 14, 1989	FIRST READING.
FEBRUARY 7, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 8, 1989	PRINTING REPORT.
FEBRUARY 10, 1989	SECOND READING, DO PASS AS AMENDED.
	ENGROSSING REPORT.
FEBRUARY 13, 1989	THIRD READING, PASSED. AYES, 82; NOES, 13.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 14, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
MARCH 9, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 10, 1989	SECOND READING, CONCURRED IN.
MARCH 13, 1989	THIRD READING, CONCURRED IN. AYES, 41; NOES, 8.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 15, 1989   RECEIVED FROM SENATE.

                            SECOND READING, AMENDMENTS
                            CONCURRED IN.

MARCH 16, 1989   THIRD READING, AMENDMENTS
                            CONCURRED IN.

                            SENT TO ENROLLING.

                            REPORTED CORRECTLY ENROLLED.

1 ___House___ BILL NO. _171_

2 INTRODUCED BY _Hoffman Campbell Cobb_

3 _Thoma Wallin Thoft_

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A WRITE-IN

5 CANDIDATE TO FILE A DECLARATION OF INTENT; PROHIBITING THE

6 COUNTING OR RECORDING OF VOTES CAST FOR A WRITE-IN CANDIDATE

7 WHO HAS NOT FILED A DECLARATION OF INTENT; AMENDING SECTIONS

8 13-13-117 AND 13-15-202, MCA; AND PROVIDING AN IMMEDIATE

9 EFFECTIVE DATE."

10

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

12 NEW SECTION. **Section 1.** Declaration of intent for

13 write-in candidates. (1) Except as provided in subsection

14 (3), a person seeking to become a write-in candidate for an

15 office in any election shall file a declaration of intent.

16 The declaration of intent must be filed with the secretary

17 of state or election administrator, depending on where a

18 declaration of nomination for the desired office is required

19 to be filed under 13-10-201, or with the school district

20 clerk for a school district office. The declaration must be

21 filed no later than 5 p.m. on the 15th day before the

22 election and contain:

23   (a) the candidate's name;

24   (b) the candidate's mailing address;

25   (c) a statement declaring the candidate's intention to

1 be a write-in candidate;

2   (d) the title of the office sought;

3   (e) the date of the election;

4   (f) the date of the declaration; and

5   (g) the candidate's signature.

6   (2) The secretary of state shall notify each election

7 administrator of the names of write-in candidates who have

8 filed a declaration of intent with his office. Each election

9 administrator and school district clerk shall notify the

10 election judges in their county or district of the names of

11 write-in candidates who have filed a declaration of intent.

12   (3) The requirements in subsection (1) do not apply to

13 a write-in candidate seeking election as a precinct

14 committeeman in a primary election.

15 **Section 2.** Section 13-13-117, MCA, is amended to read:

16 "13-13-117. Method of voting. (1) On receipt of his

17 ballot, the elector must immediately retire to one of the

18 booths and prepare his ballot.

19   (2) He shall prepare his ballot by marking an "x" in

20 the square before the name of the individual or individuals

21 for whom he intends to vote.

22   (3) If the ballot contains a ballot issue, he shall

23 mark an "x" in the applicable square indicating his vote

24 either for or against the issue.

25   (4) The elector may write the name of an individual

INTRODUCED BILL

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1 for whom he wishes to vote in the blank space or affix a

2 preprinted label in the blank space and may vote for that

3 individual by marking an "x" before the name. When the

4 ballot is marked in this manner, it must be counted the same

5 as though the name were printed upon the ballot and marked

6 by the elector, except as provided in 13-15-202.

7 (5) An elector voting a ballot that will be counted by

8 an optical scan ballot tabulating device shall mark his

9 ballot in the manner prescribed on his ballot. However, his

10 ballot must not be invalidated if he marks the voting

11 positions with an "x".

12 (6) After preparing his ballot, the elector must fold

13 it so the face of the ballot will be concealed and the

14 official stamp may be seen and hand it to the election

15 judges.

16 (7) The judge receiving the ballots shall remove the

17 stubs in sight of the elector and deposit each ballot in the

18 ballot box and each stub in a box for detached stubs. The

19 judge must place the ballots in the ballot box immediately

20 without opening or examining them.

21 (8) No individual except an election judge may put a

22 ballot, any paper resembling a ballot, or anything other

23 than a ballot in a ballot box.

24 (9) Any elector who spoils his ballot may, on

25 returning the spoiled ballot, receive another in place of

-3-

1 it."

2 **Section 3.** Section 13-15-202, MCA, is amended to read:

3 "13-15-202. Counting votes cast -- pollbook. (1) (a)

4 When the procedures required by 13-15-201 are completed, the

5 election judges shall count and determine the votes cast for

6 each individual, except as provided in subsection (1)(b).

7 (b) The judges may not count or record write-in votes

8 for candidates who have not filed a declaration of intent as

9 provided in [section 1].

10 (2) In counting, the ballots shall be opened singly by

11 one of the election judges and the contents read aloud to

12 the other judges.

13 (3) A ballot or part of a ballot is void and shall not

14 be counted if the elector's choice cannot be determined. If

15 part of a ballot is sufficiently plain to determine the

16 elector's intention, the election judges shall count that

17 part.

18 (4) As the ballots are read, two judges must write on

19 a tally sheet the name of every individual and the office

20 voted for and keep tallies of the number of votes for each

21 individual, except as provided in subsection (1)(b).

22 (5) The tally sheets shall be compared and their

23 correctness ascertained, and the judges shall immediately

24 write in the pollbook:

25 (a) the names of all individuals who received votes;

-4-

1   (b) the offices for which they received votes;

2   (c) total votes received by each individual as shown

3 by the tally sheets.

4   (6) In making the count in precincts where voting

5 machines are used, the votes cast by absentee ballot shall

6 be added to the votes cast on the voting machines.

7   (7) A ballot or vote rejected by the election judges

8 may not be included in the count."

9   NEW SECTION. **Section 4.** Effective date. [This act] is

10 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

1   HOUSE BILL NO. 171

2   INTRODUCED BY SWIFT, HOFFMAN, CAMPBELL,

3   COBB, THOMAS, WALLIN, THOFT

4

5   A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A WRITE-IN

6   CANDIDATE TO FILE A DECLARATION OF INTENT; PROHIBITING THE

7   COUNTING OR RECORDING OF VOTES CAST FOR A WRITE-IN CANDIDATE

8   WHO HAS NOT FILED A DECLARATION OF INTENT; AMENDING SECTIONS

9   13-13-117, 13-14-116, AND 13-15-202, MCA; AND PROVIDING AN

10   IMMEDIATE EFFECTIVE DATE."

11

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

13   NEW SECTION. **Section 1.** Declaration of intent for

14   write-in candidates. (1) Except-as--provided--in--subsection

15   {3}7--a A person seeking to become a write-in candidate for

16   an office in any election, EXCEPT A PERSON SEEKING ELECTION

17   AS A PRECINCT COMMITTEEMAN IN A PRIMARY ELECTION, shall file

18   a declaration of intent. The declaration of intent must be

19   filed with the secretary of state or election administrator,

20   depending on where a declaration of nomination for the

21   desired office is required to be filed under 13-10-201, or

22   with the school district clerk for a school district office.

23   The EXCEPT AS PROVIDED IN SUBSECTION (2), THE declaration

24   must be filed no later than 5 p.m. on the 15th day before

25   the election and contain:

1   (a)   the candidate's name;

2   (b)   the candidate's mailing address;

3   (c)   a statement declaring the candidate's intention to

4   be a write-in candidate;

5   (d)   the title of the office sought;

6   (e)   the date of the election;

7   (f)   the date of the declaration; and

8   (g)   the candidate's signature.

9   (2)   A DECLARATION OF INTENT MAY BE FILED AFTER THE

10   DEADLINE PROVIDED FOR IN SUBSECTION (1) BUT NO LATER THAN 5

11   P.M. ON THE DAY BEFORE THE ELECTION IF, LESS THAN 15 DAYS

12   BEFORE THE ELECTION, A CANDIDATE FOR THE OFFICE THAT THE

13   WRITE-IN CANDIDATE IS SEEKING:

14   (A)   DIES;

15   (B)   WITHDRAWS FROM THE ELECTION; OR

16   (C)   IS CHARGED WITH A FELONY OFFENSE.

17   {2}(3)   The secretary of state shall notify each

18   election administrator of the names of write-in candidates

19   who have filed a declaration of intent with his office. Each

20   election administrator and school district clerk shall

21   notify the election judges in their county or district of

22   the names of write-in candidates who have filed a

23   declaration of intent.

24   {3}--The-requirements-in-subsection-{1}-do-not-apply-to

25   a---write-in---candidate--seeking--election--as--a--precinct

SECOND READING

1 committeeman-in-a-primary-election.

2 **Section 2.** Section 13-13-117, MCA, is amended to read:

3 "13-13-117. **Method of voting.** (1) On receipt of his

4 ballot, the elector must immediately retire to one of the

5 booths and prepare his ballot.

6 (2) He shall prepare his ballot by marking an "x" in

7 the square before the name of the individual or individuals

8 for whom he intends to vote.

9 (3) If the ballot contains a ballot issue, he shall

10 mark an "x" in the applicable square indicating his vote

11 either for or against the issue.

12 (4) The elector may write the name of an individual

13 for whom he wishes to vote in the blank space or affix a

14 preprinted label in the blank space and may vote for that

15 individual by marking an "x" before the name. When the

16 ballot is marked in this manner, it must be counted the same

17 as though the name were printed upon the ballot and marked

18 by the elector, except as provided in 13-15-202.

19 (5) An elector voting a ballot that will be counted by

20 an optical scan ballot tabulating device shall mark his

21 ballot in the manner prescribed on his ballot. However, his

22 ballot must not be invalidated if he marks the voting

23 positions with an "x".

24 (6) After preparing his ballot, the elector must fold

25 it so the face of the ballot will be concealed and the

1 official stamp may be seen and hand it to the election

2 judges.

3 (7) The judge receiving the ballots shall remove the

4 stubs in sight of the elector and deposit each ballot in the

5 ballot box and each stub in a box for detached stubs. The

6 judge must place the ballots in the ballot box immediately

7 without opening or examining them.

8 (8) No individual except an election judge may put a

9 ballot, any paper resembling a ballot, or anything other

10 than a ballot in a ballot box.

11 (9) Any elector who spoils his ballot may, on

12 returning the spoiled ballot, receive another in place of

13 it."

14 **SECTION 3.** SECTION 13-14-116, MCA, IS AMENDED TO READ:

15 "13-14-116. **Counting and canvassing of nonpartisan**

16 **ballots.** (1) After closing the polls, the election officers

17 shall separately count, canvass, record, and certify

18 nonpartisan ballots, showing the number of votes cast for

19 each person, except as provided in 13-15-202.

20 (2) Nonpartisan ballots, stubs, and unused ballots

21 shall must be disposed of in the same manner as other

22 ballots, stubs, and unused ballots. Returns shall must be

23 made as provided by law."

24 **Section 4.** Section 13-15-202, MCA, is amended to read:

25 "13-15-202. **Counting votes cast -- pollbook.** (1) (a)

1   When the procedures required by 13-15-201 are completed, the

2   election judges shall count and determine the votes cast for

3   each individual, except as provided in subsection (1)(b).

4   (b) The judges may not count or record write-in votes

5   for candidates who have not filed a declaration of intent as

6   provided in [section 1].

7   (2) In counting, the ballots shall be opened singly by

8   one of the election judges and the contents read aloud to

9   the other judges.

10   (3) A ballot or part of a ballot is void and shall not

11   be counted if the elector's choice cannot be determined. If

12   part of a ballot is sufficiently plain to determine the

13   elector's intention, the election judges shall count that

14   part.

15   (4) As the ballots are read, two judges must write on

16   a tally sheet the name of every individual and the office

17   voted for and keep tallies of the number of votes for each

18   individual, except as provided in subsection (1)(b).

19   (5) The tally sheets shall be compared and their

20   correctness ascertained, and the judges shall immediately

21   write in the pollbook:

22   (a) the names of all individuals who received votes;

23   (b) the offices for which they received votes;

24   (c) total votes received by each individual as shown

25   by the tally sheets.

1   (6) In making the count in precincts where voting

2   machines are used, the votes cast by absentee ballot shall

3   be added to the votes cast on the voting machines.

4   (7) A ballot or vote rejected by the election judges

5   may not be included in the count."

6   NEW SECTION. **Section 5.** Effective date. [This act] is

7   effective on passage and approval.

-End-

1   HOUSE BILL NO. 171

2   INTRODUCED BY SWIFT, HOFFMAN, CAMPBELL,

3   COBB, THOMAS, WALLIN, THOFT

4

5   A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A WRITE-IN

6   CANDIDATE TO FILE A DECLARATION OF INTENT; PROHIBITING THE

7   COUNTING OR RECORDING OF VOTES CAST FOR A WRITE-IN CANDIDATE

8   WHO HAS NOT FILED A DECLARATION OF INTENT; AMENDING SECTIONS

9   13-13-117, 13-14-116, AND 13-15-202, MCA; AND PROVIDING AN

10 IMMEDIATE EFFECTIVE DATE."

11

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

13   NEW SECTION. **Section 1.** Declaration of intent for

14 write-in candidates. (1) Except-as--provided--in--subsection

15 +3+7--a A EXCEPT AS PROVIDED IN SUBSECTION (4), A person

16 seeking to become a write-in candidate for an office in any

17 election7--EXGEP¥--A--PERSON--SEEKING-ELEGTION-AS-A-PRECINCT

18 COMMITTEEMAN-IN-A-PRIMARY-ELECTION7 shall file a declaration

19 of intent. The declaration of intent must be filed with the

20 secretary of state or election administrator, depending on

21 where a declaration of nomination for the desired office is

22 required to be filed under 13-10-201, or with the school

23 district clerk for a school district office. The EXCEPT AS

24 PROVIDED IN SUBSECTION (2), THE declaration must be filed no

25 later than 5 p.m. on the 15th day before the election and

1   contain:

2   (a) the candidate's name;

3   (b) the candidate's mailing address;

4   (c) a statement declaring the candidate's intention to

5   be a write-in candidate;

6   (d) the title of the office sought;

7   (e) the date of the election;

8   (f) the date of the declaration; and

9   (g) the candidate's signature.

10   (2) A DECLARATION OF INTENT MAY BE FILED AFTER THE

11 DEADLINE PROVIDED FOR IN SUBSECTION (1) BUT NO LATER THAN 5

12 P.M. ON THE DAY BEFORE THE ELECTION IF, LESS THAN 15 DAYS

13 BEFORE THE ELECTION, A CANDIDATE FOR THE OFFICE THAT THE

14 WRITE-IN CANDIDATE IS SEEKING:

15   (A) DIES;

16   (B) WITHDRAWS FROM THE ELECTION; OR

17   (C) IS CHARGED WITH A FELONY OFFENSE.

18   +27(3) The secretary of state shall notify each

19 election administrator of the names of write-in candidates

20 who have filed a declaration of intent with his office. Each

21 election administrator and school district clerk shall

22 notify the election judges in their county or district of

23 the names of write-in candidates who have filed a

24 declaration of intent.

25   +3+--The-requirements-in-subsection-(1)-do-not-apply-to

THIRD READING

AS AMENDED

1   a---write-in---candidate--seeking--election--as--a--precinct

2   committeeman-in-a-primary-election.

3   (4) THE REQUIREMENTS IN SUBSECTION (1) DO NOT APPLY TO

4   A WRITE-IN CANDIDATE SEEKING ELECTION:

5   (A) AS A PRECINCT COMMITTEEMAN OR COMMITTEEWOMAN IN A

6   PRIMARY ELECTION; OR

7   (B) WHERE NO CANDIDATE HAS FILED FOR THE OFFICE.

8   **Section 2.** Section 13-13-117, MCA, is amended to read:

9   "13-13-117. **Method of voting.** (1) On receipt of his

10   ballot, the elector must immediately retire to one of the

11   booths and prepare his ballot.

12   (2) He shall prepare his ballot by marking an "x" in

13   the square before the name of the individual or individuals

14   for whom he intends to vote.

15   (3) If the ballot contains a ballot issue, he shall

16   mark an "x" in the applicable square indicating his vote

17   either for or against the issue.

18   (4) The elector may write the name of an individual

19   for whom he wishes to vote in the blank space or affix a

20   preprinted label in the blank space and may vote for that

21   individual by marking an "x" before the name. When the

22   ballot is marked in this manner, it must be counted the same

23   as though the name were printed upon the ballot and marked

24   by the elector, except as provided in 13-15-202.

25   (5) An elector voting a ballot that will be counted by

1   an optical scan ballot tabulating device shall mark his

2   ballot in the manner prescribed on his ballot. However, his

3   ballot must not be invalidated if he marks the voting

4   positions with an "x".

5   (6) After preparing his ballot, the elector must fold

6   it so the face of the ballot will be concealed and the

7   official stamp may be seen and hand it to the election

8   judges.

9   (7) The judge receiving the ballots shall remove the

10   stubs in sight of the elector and deposit each ballot in the

11   ballot box and each stub in a box for detached stubs. The

12   judge must place the ballots in the ballot box immediately

13   without opening or examining them.

14   (8) No individual except an election judge may put a

15   ballot, any paper resembling a ballot, or anything other

16   than a ballot in a ballot box.

17   (9) Any elector who spoils his ballot may, on

18   returning the spoiled ballot, receive another in place of

19   it."

20   **SECTION 3.** SECTION 13-14-116, MCA, IS AMENDED TO READ:

21   "13-14-116. **Counting and canvassing of nonpartisan**

22   **ballots.** (1) After closing the polls, the election officers

23   shall separately count, canvass, record, and certify

24   nonpartisan ballots, showing the number of votes cast for

25   each person, except as provided in 13-15-202.

1   (2) Nonpartisan ballots, stubs, and unused ballots

2   ~~shall~~ must be disposed of in the same manner as other

3   ballots, stubs, and unused ballots. Returns ~~shall~~ must be

4   made as provided by law."

5   **Section 4.** Section 13-15-202, MCA, is amended to read:

6   "13-15-202. Counting votes cast -- pollbook. (1) (a)

7   When the procedures required by 13-15-201 are completed, the

8   election judges shall count and determine the votes cast for

9   each individual, except as provided in subsection (1)(b).

10   (b) The judges may not count or record write-in votes

11   for candidates who have not filed a declaration of intent as

12   provided in [section 1], EXCEPT FOR WRITE-IN VOTES CAST ON A

13   FEDERAL WRITE-IN ABSENTEE BALLOT AS PROVIDED IN 13-13-273.

14   (2) In counting, the ballots shall be opened singly by

15   one of the election judges and the contents read aloud to

16   the other judges.

17   (3) A ballot or part of a ballot is void and shall not

18   be counted if the elector's choice cannot be determined. If

19   part of a ballot is sufficiently plain to determine the

20   elector's intention, the election judges shall count that

21   part.

22   (4) As the ballots are read, two judges must write on

23   a tally sheet the name of every individual and the office

24   voted for and keep tallies of the number of votes for each

25   individual, except as provided in subsection (1)(b).

1   (5) The tally sheets shall be compared and their

2   correctness ascertained, and the judges shall immediately

3   write in the pollbook:

4   (a) the names of all individuals who received votes;

5   (b) the offices for which they received votes;

6   (c) total votes received by each individual as shown

7   by the tally sheets.

8   (6) In making the count in precincts where voting

9   machines are used, the votes cast by absentee ballot shall

10   be added to the votes cast on the voting machines.

11   (7) A ballot or vote rejected by the election judges

12   may not be included in the count."

13   NEW SECTION. **Section 5.** Effective date. [This act] is

14   effective on passage and approval.

                        -End-

SENATE STANDING COMMITTEE REPORT

March 9, 1989

MR. PRESIDENT:

We, your committee on State Administration, having had under consideration HB 171 (third reading copy -- blue), respectfully report that HB 171 be amended and as so amended be concurred in:

Sponsor: Swift (Harding)

1. Page 3, line 7.
Strike: "WHERE"
Insert: "to an office for which"
Strike: "FOR THE OFFICE"
Insert: "a declaration or petition for nomination or a declaration
    of intent"

2. Page 5, line 12.
Following: "CAST"
Insert: ":
    (i)   for   the   office   of   precinct   committeeman   or
    committeewoman in a primary election;
    (ii) for an office for which no candidate has filed a
    declaration or petition for nomination or a declaration of
    intent; or
    (iii)"

AND AS AMENDED BE CONCURRED IN

Signed: _Farrell_
William E. Farrell, Chairman

1   HOUSE BILL NO. 171

2   INTRODUCED BY SWIFT, HOFFMAN, CAMPBELL,

3   COBB, THOMAS, WALLIN, THOFT

4   A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A WRITE-IN

5   CANDIDATE TO FILE A DECLARATION OF INTENT; PROHIBITING THE

6   COUNTING OR RECORDING OF VOTES CAST FOR A WRITE-IN CANDIDATE

7   WHO HAS NOT FILED A DECLARATION OF INTENT; AMENDING SECTIONS

8   13-13-117, 13-14-116, AND 13-15-202, MCA; AND PROVIDING AN

9   IMMEDIATE EFFECTIVE DATE."

10

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

12   NEW SECTION. **Section 1.** Declaration of intent for

13 write-in candidates. (1) Except-as--provided--in--subsection

14 +3+,--a A EXCEPT AS PROVIDED IN SUBSECTION (4), A person

15 seeking to become a write-in candidate for an office in any

16 election,--EXCEPT--A--PERSON--SEEKING-ELECTION-AS-A-PRECINCT

17 COMMITTEEMAN-IN-A-PRIMARY-ELECTION, shall file a declaration

18 of intent. The declaration of intent must be filed with the

19 secretary of state or election administrator, depending on

20 where a declaration of nomination for the desired office is

21 required to be filed under 13-10-201, or with the school

22 district clerk for a school district office. The EXCEPT AS

23 PROVIDED IN SUBSECTION (2), THE declaration must be filed no

24 later than 5 p.m. on the 15th day before the election and

1   contain:

2   (a) the candidate's name;

3   (b) the candidate's mailing address;

4   (c) a statement declaring the candidate's intention to

5   be a write-in candidate;

6   (d) the title of the office sought;

7   (e) the date of the election;

8   (f) the date of the declaration; and

9   (g) the candidate's signature.

10   (2) A DECLARATION OF INTENT MAY BE FILED AFTER THE

11 DEADLINE PROVIDED FOR IN SUBSECTION (1) BUT NO LATER THAN 5

12 P.M. ON THE DAY BEFORE THE ELECTION IF, LESS THAN 15 DAYS

13 BEFORE THE ELECTION, A CANDIDATE FOR THE OFFICE THAT THE

14 WRITE-IN CANDIDATE IS SEEKING:

15   (A) DIES;

16   (B) WITHDRAWS FROM THE ELECTION; OR

17   (C) IS CHARGED WITH A FELONY OFFENSE.

18   +2+(3) The secretary of state shall notify each

19 election administrator of the names of write-in candidates

20 who have filed a declaration of intent with his office. Each

21 election administrator and school district clerk shall

22 notify the election judges in their county or district of

23 the names of write-in candidates who have filed a

24 declaration of intent.

25   +3+--The-requirements-in-subsection-+1+-do-not-apply-to

1   a---write-in---candidate--seeking--election--as--a--precinct

2   committeeman-in-a-primary-election.

3   (4) THE REQUIREMENTS IN SUBSECTION (1) DO NOT APPLY TO

4   A WRITE-IN CANDIDATE SEEKING ELECTION:

5   (A) AS A PRECINCT COMMITTEEMAN OR COMMITTEEWOMAN IN A

6   PRIMARY ELECTION; OR

7   (B) WHERE TO AN OFFICE FOR WHICH NO CANDIDATE HAS

8   FILED FOR--THE--OFFICE A DECLARATION OR   PETITION   FOR

9   NOMINATION OR A DECLARATION OF INTENT.

10   **Section 2.** Section 13-13-117, MCA, is amended to read:

11   "13-13-117. **Method of voting.** (1) On receipt of his

12 ballot, the elector must immediately retire to one of the

13 booths and prepare his ballot.

14   (2) He   shall   prepare his ballot by marking an "x" in

15 the square before the name of the individual or individuals

16 for whom he intends to vote.

17   (3) If the ballot contains a ballot issue, he shall

18 mark an "x" in the applicable square indicating his vote

19 either for or against the issue.

20   (4) The elector may write the name of an individual

21 for whom he wishes to vote in the blank space or affix a

22 preprinted label in the blank space and may vote for that

23 individual by marking an "x" before the name.   When the

24 ballot is marked in this manner, it must be counted the same

25 as though the name were printed upon the ballot and marked

1   by the elector, except as provided in 13-15-202.

2   (5) An elector voting a ballot that will be counted by

3   an optical scan ballot tabulating device shall mark his

4   ballot in the manner prescribed on his ballot. However, his

5   ballot must not be invalidated if he marks the voting

6   positions with an "x".

7   (6) After preparing his ballot, the elector must fold

8   it so the face of the ballot will be concealed and the

9   official stamp may be seen and hand it to the election

10 judges.

11   (7) The judge receiving the ballots shall remove the

12 stubs in sight of the elector and deposit each ballot in the

13 ballot box and each stub in a box for detached stubs. The

14 judge must place the ballots in the ballot box immediately

15 without opening or examining them.

16   (8) No individual except an election judge may put a

17 ballot, any paper resembling a ballot, or anything other

18 than a ballot in a ballot box.

19   (9) Any   elector   who spoils his ballot may, on

20 returning the spoiled ballot, receive another in place of

21 it."

22   **SECTION 3.** SECTION 13-14-116, MCA, IS AMENDED TO READ:

23   "13-14-116. Counting and canvassing of nonpartisan

24 ballots. (1) After closing the polls, the election officers

25 shall   separately   count, canvass, record, and certify

1 nonpartisan ballots, showing the number of votes cast for

2 each person, except as provided in 13-15-202.

3   (2) Nonpartisan ballots, stubs, and unused ballots

4 shall must be disposed of in the same manner as other

5 ballots, stubs, and unused ballots. Returns shall must be

6 made as provided by law."

7   **Section 4.** Section 13-15-202, MCA, is amended to read:

8   "13-15-202. Counting votes cast -- pollbook. (1) (a)

9 When the procedures required by 13-15-201 are completed, the

10 election judges shall count and determine the votes cast for

11 each individual, except as provided in subsection (1)(b).

12   (b) The judges may not count or record write-in votes

13 for candidates who have not filed a declaration of intent as

14 provided in [section 1], EXCEPT FOR WRITE-IN VOTES CAST:

15   (I) FOR   THE   OFFICE OF PRECINCT   COMMITTEEMAN   OR

16 COMMITTEEWOMAN IN A PRIMARY ELECTION;

17   (II) FOR AN OFFICE FOR WHICH NO CANDIDATE HAS FILED A

18 DECLARATION OR PETITION FOR NOMINATION OR A DECLARATION OF

19 INTENT; OR

20   (III) ON A FEDERAL WRITE-IN ABSENTEE BALLOT AS PROVIDED

21 IN 13-13-273.

22   (2) In counting, the ballots shall be opened singly by

23 one of the election judges and the contents read aloud to

24 the other judges.

25   (3) A ballot or part of a ballot is void and shall not

1 be counted if the elector's choice cannot be determined. If

2 part of a ballot is sufficiently plain to determine the

3 elector's intention, the election judges shall count that

4 part.

5   (4) As the ballots are read, two judges must write on

6 a tally sheet the name of every individual and the office

7 voted for and keep tallies of the number of votes for each

8 individual, except as provided in subsection (1)(b).

9   (5) The tally sheets shall be compared and their

10 correctness ascertained, and the judges shall immediately

11 write in the pollbook:

12   (a) the names of all individuals who received votes;

13   (b) the offices for which they received votes;

14   (c) total votes received by each individual as shown

15 by the tally sheets.

16   (6) In making the count in precincts where voting

17 machines are used, the votes cast by absentee ballot shall

18 be added to the votes cast on the voting machines.

19   (7) A ballot or vote rejected by the election judges

20 may not be included in the count."

21   NEW SECTION. **Section 5.** Effective date. [This act] is

22 effective on passage and approval.

                    -End-