HOUSE BILL NO. 86

INTRODUCED BY M. HANSON

IN THE HOUSE

DECEMBER 23, 1992

JANUARY 4, 1993

JANUARY 13, 1993

JANUARY 14, 1993

JANUARY 16, 1993

JANUARY 18, 1993

INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.

FIRST READING.

COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.

PRINTING REPORT.

SECOND READING, DO PASS.

ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 96; NOES, 2.

TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 20, 1993

FEBRUARY 11, 1993

FEBRUARY 12, 1993

FEBRUARY 13, 1993

ON STATE ADMINISTRATION.

FIRST READING.

COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

INTRODUCED AND REFERRED TO COMMITTEE

SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN. AYES, 44; NOES, 6.

RETURNED TO HOUSE.

IN THE HOUSE

FEBRUARY 15, 1993

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 86 2 INTRODUCED BY M. HANSON 3 A BILL FOR AN ACT ENTITLED: ACT CLARIFYING 4 "AN 5 DETERMINATION OF RESIDENCY FOR CANDIDATES TO THE 6 LEGISLATURE: REQUIRING PERSONS FILING FOR NOMINATION TO THE 7 LEGISLATURE TO INDICATE A RESIDENCE; REQUIRING CANDIDATES FOR THE LEGISLATURE TO NOTIFY THE SECRETARY OF STATE AFTER 8 9 CHANGING RESIDENCE; DIRECTING THE SECRETARY OF STATE TO 10 DECERTIFY AND NOTIFY A LEGISLATIVE CANDIDATE WHO IS NO 11 LONGER ELIGIBLE TO SEEK ELECTION BECAUSE OF A CHANGE IN 12 RESIDENCE: EXCEPTING LEGISLATIVE CANDIDATES FROM THE 13 RESTRICTION ON WITHDRAWAL FROM NOMINATION: AND AMENDING SECTIONS 13-1-112, 13-10-201, 13-10-208, 13-10-325, AND 14 15 13-12-201, MCA."

16

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

18 Section 1. Section 13-1-112, MCA, is amended to read;

19 "13-1-112. Rules for determining residence. For 20 registration or, voting, or seeking election to the 21 legislature, the residence of any individual shall must be 22 determined by the following rules as far as they are 23 applicable:

(1) The residence of an individual is where his the
 individual's habitation is fixed and to which, whenever he

ntana Legislative Council

1 <u>the individual</u> is absent, he <u>the individual</u> has the 2 intention of returning.

3 (2) An individual may not gain or lose a residence 4 while kept involuntarily at any public institution, not 5 necessarily at public expense; as a result of being confined 6 in any public prison; or solely as a result of residing on a 7 military reservation.

8 (3) An individual in the armed forces of the United 9 States may not become a resident solely as a result of being 10 stationed at a military facility in the state. An individual 11 may not acquire a residence solely as a result of being 12 employed or stationed at a training or other transient camp 13 maintained by the United States within the state.

14 (4) An individual does not lose his residence if he the
15 individual goes into another state or other district of this
16 state for temporary purposes with the intention of
17 returning, unless he the individual exercises the election
18 franchise in the other state or district.

19 (5) An individual may not gain a residence in a county
20 if he <u>the individual</u> comes in for temporary purposes without
21 the intention of making that county his <u>the individual's</u>
22 home.

23 (6) If an individual moves to another state with the
24 intention of making it his the individual's residence, he
25 the individual loses his residence in this state.

-2- HB 76 INTRODUCED BILL

1 (7) The place where an individual's family resides is 2 presumed to be that individual's place of residence. 3 However, an individual who takes up or continues a residence 4 at a place other than where his the individual's family 5 resides with the intention of remaining is a resident of the 6 place where he the individual resides.

7 (8) A change of residence can may be made only by the
8 act of removal joined with intent to remain in another
9 place."

10 Section 2. Section 13-10-201, MCA, is amended to read:

11 "13-10-201. Declaration for nomination. (1) Each 12 candidate in the primary election, except nonpartisan 13 candidates filing under the provisions of chapter 14, shall 14 send a declaration for nomination to the secretary of state 15 or election administrator. Each candidate for governor shall 16 send a joint declaration for nomination with a candidate for 17 lieutenant governor.

18 (2) A declaration for nomination shall must be filed in 19 the office of:

20 (a) the secretary of state for a congressional office,
21 state or district office to be voted for in more than one
22 county, member of the legislature, or judge of the district
23 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 (3) Each candidate shall sign the declaration and send 4 with it the required filing fee or, in the case of an 5 indigent candidate, send with it the documents required by 6 13-10-203. The declaration for nomination shall must be 7 acknowledged by an officer empowered to acknowledge 8 signatures if sent by mail or by the officer of the office 9 at which the filing is made.

10 (4) The declaration, when filed, is conclusive evidence
11 that the elector is a candidate for nomination by his the
12 elector's party.

13 (5) (a) The declaration for nomination shall must be in
14 the form and contain the information prescribed by the
15 secretary of state.

16 (b) A person seeking nomination to the legislature 17 shall provide the secretary of state with a street address, 18 legal description, or road designation to indicate the person's place of residence. If a candidate for the 19 20 legislature changes residence, the candidate shall, within 21 15 days after the change, notify the secretary of state. 22 (c) The secretary of state and election administrator 23 shall furnish declaration for nomination forms to 24 individuals requesting them.

25 (6) Declarations for nomination shall must be filed no

-3-

1

sooner than 135 days before the election 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."

4 Section 3. Section 13-10-208, MCA, is amended to read: "13-10-208. Certificate of primary ballot -- printing 5 6 ballot. (1) Not more than 75 days and not less than 67 days before the date of the primary election, the secretary of 7 8 state shall certify to the election administrators the names 9 and designations of candidates, except as provided in 10 13-37-126, and any ballot issues as shown in the official records of his the secretary of state's office in the manner 11 12 provided in 13-10-209 and chapter 12, part 2, of this title. (2) Not more than 67 days and not less than 62 days 13 14 before the date of the primary election, the election 15 administrator shall certify the names and designations of candidates, except as provided in 13-37-126, and any ballot 16 17 issues as shown in the official record of his the election administrator's office and have the official ballots printed 18 in the manner provided in 13-10-209 and chapter 12, part 2, 19 20 of this title.

21 (3) If a candidate for the legislature is no longer 22 eligible under Article V, section 4, of the Montana 23 constitution to seek the office for which the candidate has 24 filed because the candidate has changed residence, the 25 secretary of state shall decertify the candidate and shall 2 <u>withdraw.</u>"
3 Section 4. Section 13-10-325, MCA, is amended to read:
4 "13-10-325. Withdrawal from nomination. (1) A candidate
5 for nomination or candidate for election to an office may

notify the candidate that the candidate is required to

5 6 withdraw from the election by sending a statement of 7 withdrawal to the officer with whom his the declaration, 8 petition, or acceptance of nomination was filed. The 9 statement must contain all information necessary to identify 10 the candidate and the office sought and the reason for 11 withdrawal. Ht-shall The statement must be sworn or affirmed 12 before an officer empowered to administer oaths. A Except 13 for a candidate for the legislature, a candidate may not 14 withdraw later than 85 days before a general election or 75 15 days before a primary election.

16 (2) Filing fees paid by the candidate may not be 17 refunded."

18 Section 5. Section 13-12-201, MCA, is amended to read:

19 •13-12-201. Secretary of state to certify ballot. (1)
20 Seventy-five days or more before an election, except as
21 provided in 13-10-208, the secretary of state shall certify
22 to the election administrators the name and party or other
23 designation of each candidate entitled to appear on the
24 ballot and <u>the</u> ballot issues as shown in the official
25 records of his the secretary of state's office, which must

1 include the notification specified in 13-37-126.

2 (2) The election administrator shall certify the name
and party or other designation of each candidate entitled to
appear on the ballot and <u>the</u> ballot issues as shown in the
official records of his <u>the election administrator's</u> office,
which must include the notification specified in 13-37-126,
and shall have the official ballots printed.

8 (3) If a candidate for the legislature is no longer 9 eligible under Article V, section 4, of the Montana 10 constitution to seek the office for which the candidate has 11 filed because the candidate has changed residence, the 12 secretary of state shall decertify the candidate and shall 13 notify the candidate that the candidate is required to 14 withdraw."

-End-

53rd Legislature

;

HB 0086/02

APPROVED BY COMMITTEE

ON STATE ADMINISTRATION

HOUSE BILL NO. 86 1 INTRODUCED BY M. HANSON 2 З A BILL FOR AN ACT ENTITLED: 4 "AN ACT CLARIFYING DETERMINATION OF RESIDENCY FOR CANDIDATES TO THE 5 LEGISLATURE: REQUIRING PERSONS FILING FOR NOMINATION TO THE 6 7 LEGISLATURE TO INDICATE A RESIDENCE; REQUIRING CANDIDATES 8 FOR THE LEGISLATURE TO NOTIFY THE SECRETARY OF STATE AFTER 9 CHANGING RESIDENCE: DIRECTING THE SECRETARY OF STATE TO 10 DECERTIFY--AND NOTIFY A LEGISLATIVE CANDIDATE WHO IS NO LONGER ELIGIBLE TO SEEK ELECTION BECAUSE OF A CHANGE IN 11 EXCEPTING---BEGISLATIVE---CANDIDATES--PROM--THE 12 RESIDENCE: RESTRICTION-ON--WITHDRAWAL--PROM--NOMINATION; AND AMENDING 13 14 SECTIONS 13-1-112, 13-10-201, 13-10-208, 13-10-3257 AND 13-12-201, MCA." 15

16

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

18 Section 1. Section 13-1-112, MCA, is amended to read:
19 "13-1-112. Rules for determining residence. For
20 registration or, voting, or seeking election to the
21 legislature, the residence of any individual shall must be
22 determined by the following rules as far as they are
23 applicable:

24 (1) The residence of an individual is where his the
25 individual's habitation is fixed and to which, whenever he

<u>the individual</u> is absent, he <u>the individual</u> has the
 intention of returning.

3 (2) An individual may not gain or lose a residence 4 while kept involuntarily at any public institution, not 5 necessarily at public expense; as a result of being confined 6 in any public prison; or solely as a result of residing on a 7 military reservation.

8 (3) An individual in the armed forces of the United 9 States may not become a resident solely as a result of being 10 stationed at a military facility in the state. An individual 11 may not acquire a residence solely as a result of being 12 employed or stationed at a training or other transient camp 13 maintained by the United States within the state.

14 (4) An individual does not lose his residence if he the
15 individual goes into another state or other district of this
16 state for temporary purposes with the intention of
17 returning, unless he the individual exercises the election
18 franchise in the other state or district.

19 (5) An individual may not gain a residence in a county
20 if he the individual comes in for temporary purposes without
21 the intention of making that county his the individual's
22 home.

23 (6) If an individual moves to another state with the
24 intention of making it his the individual's residence, he
25 the individual loses his residence in this state.



-2-

HB 86 SECOND READING

1 (7) The place where an individual's family resides is 2 presumed to be that individual's place of residence. 3 However, an individual who takes up or continues a residence 4 at a place other than where his the individual's family 5 resides with the intention of remaining is a resident of the 6 place where he the individual resides.

7 (8) A change of residence can <u>may</u> be made only by the
8 act of removal joined with intent to remain in another
9 place."

Section 2. Section 13-10-201, MCA, is amended to read: 10 "13-10-201. Declaration for nomination. (1) Each 11 candidate in the primary election, except nonpartisan 12 candidates filing under the provisions of chapter 14, shall 13 send a declaration for nomination to the secretary of state 14 15 or election administrator. Each candidate for governor shall send a joint declaration for nomination with a candidate for 16 17 lieutenant governor.

18 (2) A declaration for nomination shall must be filed in
19 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 (3) Each candidate shall sign the declaration and send 4 with it the required filing fee or, in the case of an 5 indigent candidate, send with it the documents required by 6 13-10-203. The declaration for nomination shall must be 7 acknowledged by an officer empowered to acknowledge 8 signatures if sent by mail or by the officer of the office 9 at which the filing is made.

10 (4) The declaration, when filed, is conclusive evidence
11 that the elector is a candidate for nomination by his the
12 elector's party.

(5) (a) The declaration for nomination shall must be in
the form and contain the information prescribed by the
secretary of state.

16 (b) A person seeking nomination to the legislature 17 shall provide the secretary of state with a street address, 18 legal description, or road designation to indicate the 19 person's place of residence. If a candidate for the 20 legislature changes residence, the candidate shall, within 21 15 days after the change, notify the secretary of state ON A 22 FORM PRESCRIBED BY THE SECRETARY OF STATE. 23 (c) The secretary of state and election administrator 24 shall furnish declaration for nomination forms to

- 4 -

25 individuals requesting them.

-3-

HB 86

HB 86

1 (6) Declarations for nomination shall <u>must</u> be filed no 2 sooner than 135 days before the election in which the office 3 first appears on the ballot and no later than 5 p.m., 75 4 days before the date of the primary election."

Section 3. Section 13-10-208, MCA, is amended to read: 5 6 "13-10-208. Certificate of primary ballot -- printing ballot. (1) Not more than 75 days and not less than 67 days 7 8 before the date of the primary election, the secretary of 9 state shall certify to the election administrators the names 10 and designations of candidates, except as provided in 13-37-126, and any ballot issues as shown in the official 11 records of his the secretary of state's office in the manner 12 13 provided in 13-10-209 and chapter 12, part 2, of this title. 14 (2) Not more than 67 days and not less than 62 days 15 before the date of the primary election, the election administrator shall certify the names and designations of 16 17 candidates, except as provided in 13-37-126, and any ballot 18 issues as shown in the official record of his the election administrator's office and have the official ballots printed 19 in the manner provided in 13-10-209 and chapter 12, part 2, 20 21 of this title.

22 (3) If a candidate for the legislature is no longer
23 eligible under Article V, section 4, of the Montana
24 constitution to seek the office for which the candidate has
25 filed because the candidate has changed residence, the

1	secretary of state shall decertify-the-candidate-and-shall
2	notify the candidate that the candidate is required to
3	withdraw AS PROVIDED IN 13-10-325."
4	Section-4Section-13-10-3257-MCA7-is-amended-to-read+
5	#13-10-325Withdrawal-from-nomination(1)-A-candidate
6	fornominationorcandidate-for-election-to-an-office-may
7	withdrawfromtheelectionbysendingastatementof
8	withdrawal-to-the-officer-withwhomhis the declaration7
9	petitionoracceptanceofnominationwasfiledThe
10	statement-must-contain-all-information-necessary-to-identify
11	the-candidate-and-theofficesoughtandthereasonfor
12	withdrawalIt-shall <u>The-statement-must</u> be-sworn-or-affirmed
13	beforeanofficerempowered-to-administer-oathsA Except
14	<u>for-a-candidate-for-the-legislature7a</u> candidatemaynot
15	withdrawlater-than-85-days-before-a-general-election-or-75
16	days-before-a-primary-election-
17	<pre>t2)Piling-feespaidbythecandidatemaynotbe</pre>
18	refunded;"
19	Section 4. Section 13-12-201, MCA, is amended to read:
20	13-12-201. Secretary of state to certify hallot (1)

20 "13-12-201. Secretary of state to certify ballot. (1)
21 Seventy-five days or more before an election, except as
22 provided in 13-10-208, the secretary of state shall certify
23 to the election administrators the name and party or other
24 designation of each candidate entitled to appear on the
25 ballot and the ballot issues as shown in the official

-5-

-6-

HB 86

records of his the secretary of state's office, which must
 include the notification specified in 13-37-126.

3 (2) The election administrator shall certify the name 4 and party or other designation of each candidate entitled to 5 appear on the ballot and <u>the</u> ballot issues as shown in the 6 official records of his <u>the election administrator's</u> office, 7 which must include the notification specified in 13-37-126, 8 and shall have the official ballots printed.

9 (3) If a candidate for the legislature is no longer 10 eligible under Article V, section 4, of the Montana 11 constitution to seek the office for which the candidate has 12 filed because the candidate has changed residence, the 13 secretary of state shall decertify-the-candidate-and-shall 14 notify the candidate that the candidate is required to

15 withdraw AS PROVIDED IN 13-10-325."

-End-

ŕ

HB 0086/02

1 HOUSE BILL NO. 86 2 INTRODUCED BY M. HANSON 3 A BILL FOR AN ACT ENTITLED: 4 "AN CLARIFYING ACT 5 DETERMINATION OF RESIDENCY FOR CANDIDATES THE ጥበ LEGISLATURE: REQUIRING PERSONS FILING FOR NOMINATION TO THE 6 7 LEGISLATURE TO INDICATE A RESIDENCE: REOUIRING CANDIDATES FOR THE LEGISLATURE TO NOTIFY THE SECRETARY OF STATE AFTER 8 CHANGING RESIDENCE: DIRECTING THE SECRETARY OF STATE TO 9 DECERTIFY--AND NOTIFY A LEGISLATIVE CANDIDATE WHO IS NO 10 11 LONGER ELIGIBLE TO SEEK ELECTION BECAUSE OF A CHANGE IN RESIDENCE; EXCEPTING---begisLaTive---candidates--prom--the 12 RESTRICTION-ON--WITHDRAWAL--FROM--NOMINATION; AND AMENDING 13 SECTIONS 13-1-112, 13-10-201, 13-10-208, 13-10-3257 AND 14 15 13-12-201, MCA." 16 17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 18 Section 1. Section 13-1-112, MCA, is amended to read: *13-1-112. Rules for determining residence. 19 For 20 registration or, voting, or seeking election to the

20 registration by voting, or seeking election to the 21 legislature, the residence of any individual shall must be 22 determined by the following rules as far as they are 23 applicable:

24 (1) The residence of an individual is where his the
25 individual's habitation is fixed and to which, whenever he

the individual is absent, he the individual has the
 intention of returning.

3 (2) An individual may not gain or lose a residence 4 while kept involuntarily at any public institution, not 5 necessarily at public expense; as a result of being confined 6 in any public prison; or solely as a result of residing on a 7 military reservation.

8 (3) An individual in the armed forces of the United 9 States may not become a resident solely as a result of being 10 stationed at a military facility in the state. An individual 11 may not acquire a residence solely as a result of being 12 employed or stationed at a training or other transient camp 13 maintained by the United States within the state.

14 (4) An individual does not lose his residence if he <u>the</u>
15 <u>individual</u> goes into another state or other district of this
16 state for temporary purposes with the intention of
17 returning, unless he <u>the individual</u> exercises the election
18 franchise in the other state or district.

19 (5) An individual may not gain a residence in a county
20 if he <u>the individual</u> comes in for temporary purposes without
21 the intention of making that county his <u>the individual's</u>
22 home.

23 .(6) If an individual moves to another state with the
24 intention of making it his the individual's residence, he
25 the individual loses his residence in this state.

-2-

THIRD READING

1 (7) The place where an individual's family resides is 2 presumed to be that individual's place of residence. 3 However, an individual who takes up or continues a residence 4 at a place other than where his the individual's family 5 resides with the intention of remaining is a resident of the 6 place where he the individual resides.

7 (8) A change of residence can <u>may</u> be made only by the
8 act of removal joined with intent to remain in another
9 place."

10 Section 2. Section 13-10-201, MCA, is amended to read:

11 **13-10-201. Declaration for nomination.** (1) Each 12 candidate in the primary election, except nonpartisan 13 candidates filing under the provisions of chapter 14, shall 14 send a declaration for nomination to the secretary of state 15 or election administrator. Each candidate for governor shall 16 send a joint declaration for nomination with a candidate for 17 lieutenant governor.

18 (2) A declaration for nomination shall must be filed in
19 the office of:

20 (a) the secretary of state for a congressional office,
21 state or district office to be voted for in more than one
22 county, member of the legislature, or judge of the district
23 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 (3) Each candidate shall sign the declaration and send 4 with it the required filing fee or, in the case of an 5 indigent candidate, send with it the documents required by 6 13-10-203. The declaration for nomination shall must be 7 acknowledged by an officer empowered to acknowledge 8 signatures if sent by mail or by the officer of the office 9 at which the filing is made.

10 (4) The declaration, when filed, is conclusive evidence
11 that the elector is a candidate for nomination by his the
12 elector's party.

13 (5) (a) The declaration for nomination shall must be in
14 the form and contain the information prescribed by the
15 secretary of state.

16 (b) A person seeking nomination to the legislature 17 shall provide the secretary of state with a street address, 18 legal description, or road designation to indicate the 19 person's place of residence. If a candidate for the legislature changes residence, the candidate shall, within 20 21 15 days after the change, notify the secretary of state ON A 22 FORM PRESCRIBED BY THE SECRETARY OF STATE. 23 (c) The secretary of state and election administrator 24 shall furnish declaration for nomination forms to 25 individuals requesting them.

-4-

-3-

£

HB 86

HB 86

HB 86

1 (6) Declarations for nomination shall must be filed no sooner than 135 days before the election in which the office 3 first appears on the ballot and no later than 5 p.m., 75 days before the date of the primary election."

2

4

5 Section 3. Section 13-10-208, MCA, is amended to read: 6 "13-10-208. Certificate of primary ballot -- printing 7 ballot. (1) Not more than 75 days and not less than 67 days 8 before the date of the primary election, the secretary of state shall certify to the election administrators the names 9 10 and designations of candidates, except as provided in 11 13-37-126, and any ballot issues as shown in the official 12 records of his the secretary of state's office in the manner provided in 13-10-209 and chapter 12, part 2, of this title. 13 14 (2) Not more than 67 days and not less than 62 days 15 before the date of the primary election, the election 16 administrator shall certify the names and designations of candidates, except as provided in 13-37-126, and any ballot 17 issues as shown in the official record of his the election 18 19 administrator's office and have the official ballots printed in the manner provided in 13-10-209 and chapter 12, part 2, 20 21 of this title.

(3) If a candidate for the legislature is no longer 22 23 eligible under Article V, section 4, of the Montana 24 constitution to seek the office for which the candidate has 25 filed because the candidate has changed residence, the

-5-

secretary of state shall decertify-the-candidate-and-shall 1 notify the candidate that the candidate is required to 2 3 withdraw AS PROVIDED IN 13-10-325." 4 Section-4---Section-13-10-3257-MCA7-is-amended-to-read-5 *13-10-325---Withdrawal-from-nomination--flt-A-candidate 6 for--nomination--or--candidate-for-election-to-an-office-may 7 withdraw--from--the--election--by--sending--a--statement--of withdrawal-to-the-officer-with--whom--his the declarationy 8 9 petition----or--acceptance--of--nomination--was--filed---The 10 statement-must-contain-all-information-necessary-to-identify 11 the-candidate-and-the--office--sought--and--the--reason--for 12 withdrawal;-It-shall The-statement-must be-sworn-or-affirmed before--an--officer--empowered-to-administer-oathst-A Bxcept 13 for-a-candidate-for-the-legislature--a candidate--may--not 14 15 withdraw--later-than-85-days-before-a-general-election-or-75 16 days-before-s-primary-election-17 (2)--Piling-fees--paid--by--the--candidate--msy--not--be refunded." 18 19 **Section 4.** Section 13-12-201, MCA, is amended to read: 20 "13-12-201. Secretary of state to certify ballot. (1) 21 Seventy-five days or more before an election, except as 22 provided in 13-10-208, the secretary of state shall certify

to the election administrators the name and party or other 23 designation of each candidate entitled to appear on the 24 25 ballot and the ballot issues as shown in the official

-6-

records of his the secretary of state's office, which must
 include the notification specified in 13-37-126.

3 (2) The election administrator shall certify the name 4 and party or other designation of each candidate entitled to 5 appear on the ballot and <u>the</u> ballot issues as shown in the 6 official records of his <u>the election administrator's</u> office, 7 which must include the notification specified in 13-37-126, 8 and shall have the official ballots printed.

9 (3) If a candidate for the legislature is no longer 10 eligible under Article V, section 4, of the Montana 11 constitution to seek the office for which the candidate has 12 filed because the candidate has changed residence, the 13 secretary of state shall decertify-the-candidate-and-shall 14 notify the candidate that the candidate is required to 15 withdraw AS PROVIDED IN 13-10-325."

-End-

-7-

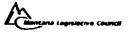
1 HOUSE BILL NO. 86 2 INTRODUCED BY M. HANSON 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING DETERMINATION 5 OF RESIDENCY POR CANDIDATES TO THE 6 LEGISLATURE: REQUIRING PERSONS FILING FOR NOMINATION TO THE 7 LEGISLATURE TO INDICATE A RESIDENCE: REQUIRING CANDIDATES FOR THE LEGISLATURE TO NOTIFY THE SECRETARY OF STATE AFTER 8 CHANGING RESIDENCE; DIRECTING THE SECRETARY OF STATE TO 9 10 DBCBRTIPY--AND NOTIFY A LEGISLATIVE CANDIDATE WHO IS NO 11 LONGER ELIGIBLE TO SEEK ELECTION BECAUSE OF A CHANGE IN 12 RESIDENCE: BXCBPTING---LBGISLATIVE---CANDIDATES--PROM--THE 13 RESTRICTION-ON--WITHDRAWAL--PROM--NOMINATION; AND AMENDING SECTIONS 13-1-112, 13-10-201, 13-10-208, +3-+0-3257 AND 14 15 13-12-201. MCA."

16

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

18 Section 1. Section 13-1-112, MCA, is amended to read:
19 "13-1-112. Rules for determining residence. For
20 registration or, voting, or seeking election to the
21 legislature, the residence of any individual shall must be
22 determined by the following rules as far as they are
23 applicable:

(1) The residence of an individual is where his the
 <u>individual</u>'s habitation is fixed and to which, whenever he



<u>the individual</u> is absent, he <u>the individual</u> has the
 intention of returning.

3 (2) An individual may not gain or lose a residence 4 while kept involuntarily at any public institution, not 5 necessarily at public expense; as a result of being confined 6 in any public prison; or solely as a result of residing on a 7 military reservation.

8 (3) An individual in the armed forces of the United
9 States may not become a resident solely as a result of being
10 stationed at a military facility in the state. An individual
11 may not acquire a residence solely as a result of being
12 employed or stationed at a training or other transient camp
13 maintained by the United States within the state.

14 (4) An individual does not lose his residence if he <u>the</u> 15 <u>individual</u> goes into another state or other district of this 16 state for temporary purposes with the intention of 17 returning, unless he <u>the individual</u> exercises the election 18 franchise in the other state or district.

19 (5) An individual may not gain a residence in a county
20 if he <u>the individual</u> comes in for temporary purposes without
21 the intention of making that county his <u>the individual's</u>
22 home.

23 (6) If an individual moves to another state with the
24 intention of making it his the individual's residence, he
25 the individual loses his residence in this state.

-2-

HB 86

REFERENCE BILL

1 (7) The place where an individual's family resides is 2 presumed to be that individual's place of residence. 3 However, an individual who takes up or continues a residence 4 at a place other than where his <u>the individual's</u> family 5 resides with the intention of remaining is a resident of the 6 place where he the individual resides.

7 (8) A change of residence can <u>may</u> be made only by the 8 act of removal joined with intent to remain in another 9 place."

10 Section 2. Section 13-10-201, MCA, is amended to read: "13-10-201. Declaration for nomination. (1) Each 11 12 candidate in the primary election, except nonpartisan candidates filing under the provisions of chapter 14, shall 13 14 send a declaration for nomination to the secretary of state 15 or election administrator. Each candidate for governor shall 16 send a joint declaration for nomination with a candidate for 17 lieutenant governor.

18 (2) A declaration for nomination shall must be filed in
 19 the office of:

20 (a) the secretary of state for a congressional office,
21 state or district office to be voted for in more than one
22 county, member of the legislature, or judge of the district
23 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 (3) Each candidate shall sign the declaration and send 4 with it the required filing fee or, in the case of an 5 indigent candidate, send with it the documents required by 6 13-10-203. The declaration for nomination shall must be 7 acknowledged by an officer empowered to acknowledge 8 signatures if sent by mail or by the officer of the office 9 at which the filing is made.

10 (4) The declaration, when filed, is conclusive evidence
11 that the elector is a candidate for nomination by his the
12 elector's party.
13 (5) (a) The declaration for nomination shall must be in

(5) (a) The declaration for nomination shall must be in
 the form and contain the information prescribed by the
 secretary of state.

16 (b) A person seeking nomination to the legislature 17 shall provide the secretary of state with a street address, 18 legal description, or road designation to indicate the 19 person's place of residence. If a candidate for the 20 legislature changes residence, the candidate shall, within 21 15 days after the change, notify the secretary of state ON A 22 PORM PRESCRIBED BY THE SECRETARY OF STATE. 23 (c) The secretary of state and election administrator

23 (c) The secretary of state and election administrator
 24 shall furnish declaration for nomination forms to
 25 individuals requesting them.

-3-

HB 86

-4--

1 (6) Declarations for nomination shall <u>must</u> be filed no 2 sooner than 135 days before the election in which the office 3 first appears on the ballot and no later than 5 p.m., 75 4 days before the date of the primary election."

Section 3. Section 13-10-208, MCA, is amended to read: 5 6 *13-10-208. Certificate of primary ballot -- printing 7 ballot. (1) Not more than 75 days and not less than 67 days before the date of the primary election, the secretary of 8 state shall certify to the election administrators the names 9 10 and designations of candidates, except as provided in 11 13-37-126, and any ballot issues as shown in the official 12 records of his the secretary of state's office in the manner 13 provided in 13-10-209 and chapter 12, part 2, of this title. 14 (2) Not more than 67 days and not less than 62 days 15 before the date of the primary election, the election 16 administrator shall certify the names and designations of 17 candidates, except as provided in 13-37-126, and any ballot 18 issues as shown in the official record of his the election 19 administrator's office and have the official ballots printed 20 in the manner provided in 13-10-209 and chapter 12, part 2, 21 of this title.

22 (3) If a candidate for the legislature is no longer
23 eligible under Article V, section 4, of the Montana
24 constitution to seek the office for which the candidate has
25 filed because the candidate has changed residence, the

1	secretary of state shall decertify-the-candidate-and-shall
_	
2	notify the candidate that the candidate is required to
3	withdraw AS PROVIDED IN 13-10-325."
4	Section-4;Section-13-10-325;-MCAy-is-amended-to-read:
5	*13-10-325;Withdrawal-from-nomination;-(1)-A-candidate
6	fornominationorcandidate-for-election-to-an-office-may
7	withdrawfromtheelectionbysendingastatementof
8	withdrawal-to-the-officer-withwhomhis the declaration,
9	petition,oracceptanceofnominationwasfiledThe
10	statement-must-contain-all-information-necessary-to-identify
11	the-candidate-and-theofficesoughtandthereasonfor
12	withdrawalIt-shall The-statement-must be-sworn-or-affirmed
13	beforeanofficerempowered-to-administer-oathsA <u>Bxcept</u>
14	<u>for-a-candidate-for-the-legislatureya</u> candidatemaynot
15	withdrawlater-then-85-days-before-a-general-election-or-75
16	days-before-m-primary-election-
17	{2}Filing-feespaidbythecandidatemaynotbe
18	refunded."
19	Section 4. Section 13-12-201, MCA, is amended to read:
20	"13-12-201. Secretary of state to certify ballot. (1)
21	Seventy-five days or more before an election, except as
22	provided in 13-10-208, the secretary of state shall certify
23	to the election administrators the name and party or other
24	designation of each candidate entitled to appear on the
25	ballot and the ballot issues as shown in the official

-5-

HB 86

-6-

records of his the secretary of state's office, which must 1 include the notification specified in 13-37-126. 2 3 (2) The election administrator shall certify the name and party or other designation of each candidate entitled to 4 5 appear on the ballot and the ballot issues as shown in the 6 official records of his the election administrator's office, 7 which must include the notification specified in 13-37-126, 8 and shall have the official ballots printed. (3) If a candidate for the legislature is no longer 9 10 eligible under Article V, section 4, of the Montana 11 constitution to seek the office for which the candidate has 12 filed because the candidate has changed residence, the 13 secretary of state shall decertify-the-candidate-and-shall 14 notify the candidate that the candidate is required to 15 withdraw AS PROVIDED IN 13-10-325."

-End-