

SENATE BILL NO. 318

INTRODUCED BY WELDON
BY REQUEST OF THE SECRETARY OF STATE

IN THE SENATE

FEBRUARY 4, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
FEBRUARY 18, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 19, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 20, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 37; NOES, 13.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
MARCH 20, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 29, 1993	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 31, 1993	THIRD READING, NOT CONCURRED IN. AYES, 48; NOES, 50.
APRIL 1, 1993	ON MOTION, PREVIOUS ACTION RECONSIDERED.
	THIRD READING, CONCURRED IN. AYES, 73; NOES, 25.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 5, 1993

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 6, 1993

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 318
2 INTRODUCED BY Weldon
3 BY REQUEST OF THE SECRETARY OF STATE
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
6 LAWS RELATING TO ELECTIONS; PROVIDING A DEFINITION OF
7 "REGULAR ELECTION"; REVISING REGISTRATION OF ELECTORS;
8 PROVIDING FOR QUALIFICATIONS OF ELECTION JUDGES; REQUIRING
9 THAT AFFIDAVITS OF CIRCULATION ACCOMPANY PETITIONS FOR
10 NOMINATION OF PRESIDENTIAL CANDIDATES; PROVIDING FOR
11 AMENDMENT OF NOMINATING PETITIONS; REVISING THE STAMPING OF
12 BALLOTS; AUTHORIZING THE SECRETARY OF STATE TO PRESCRIBE THE
13 FORM OF THE VOTER INFORMATION PAMPHLET AND PROVIDING FOR THE
14 MAILING OF THE PAMPHLET; AMENDING SECTIONS 13-1-101,
15 13-2-202, 13-2-203, 13-4-107, 13-10-405, 13-10-503,
16 13-10-504, 13-10-601, 13-13-116, 13-25-101, 13-27-401, AND
17 13-27-410, MCA; AND REPEALING SECTION 13-2-102, MCA."

18
19 STATEMENT OF INTENT

20 A statement of intent is required for this bill because
21 13-4-107 grants the secretary of state rulemaking authority
22 to prescribe the qualifications for election judges. The
23 secretary of state shall generally follow the requirements
24 for election judges under the present statutes but adjust
25 those requirements to accommodate the Youth Voting Act and

1 to permit mature persons under 18 years of age to
2 participate as election judges as long as they are not chief
3 election judges.

4 A statement of intent is also required because 13-27-401
5 authorizes the secretary of state to prescribe the format
6 for the voter information pamphlet. These rules must permit
7 the orderly, efficient presentation of the arguments that
8 will help in reducing the costs of preparation of the voter
9 information pamphlet.

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 **Section 1.** Section 13-1-101, MCA, is amended to read:

13 "13-1-101. Definitions. As used in this title, unless
14 the context clearly indicates otherwise, the following
15 definitions apply:

16 (1) "Anything of value" means any goods that have a
17 certain utility to the recipient that is real and that is
18 ordinarily not given away free but is purchased.

19 (2) "Candidate" means:

20 (a) an individual who has filed a declaration or
21 petition for nomination, acceptance of nomination or
22 appointment as a candidate for public office as required by
23 law;

24 (b) for the purposes of chapters 35, 36, or 37, an
25 individual who has solicited or received and retained

contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on his the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; and

(c) an officeholder who is the subject of a recall election.

(3) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) "Contribution" does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and

lodging provided by individuals in their private residence for a candidate or other individual;

(ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iii) the cost of any communication by any membership organization or corporation to its members or stockholders or employees, so as long as such the organization is not a primary political committee; or

(iv) filing fees paid by the candidate.

(4) "Election" means a general, regular, special, or primary election held pursuant to the requirements of state law, regardless of the time and/or or purpose.

(5) "Election administrator" means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections, the term means the school district clerk.

(6) "Elector" means an individual qualified and registered to vote under state law.

(7) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made for the purpose of influencing the results of an election.

1 (b) "Expenditure" does not mean:

2 (i) services, food, or lodging provided in a manner

3 that they are not contributions under subsection (3);

4 (ii) payments by a candidate for his a filing fee or for

5 personal travel expenses, food, clothing, lodging, or

6 personal necessities for himself the candidate and his the

7 candidate's family;

8 (iii) the cost of any bona fide news story, commentary,

9 or editorial distributed through the facilities of any

10 broadcasting station, newspaper, magazine, or other

11 periodical publication of general circulation; or

12 (iv) the cost of any communication by any membership

13 organization or corporation to its members or stockholders

14 or employees, so as long as such the organization is not a

15 primary political committee.

16 (8) "General election" or "regular election" means an

17 election held for the election of public officers throughout

18 the state at times specified by law, including elections for

19 officers of political subdivisions when the time of the

20 election is set on the same date for all similar political

21 subdivisions in the state. For ballot issues required by

22 Article III, section 6, or Article XIV, section 8, of the

23 Montana constitution to be submitted by the legislature to

24 the electors at a general election, "general election" means

25 an election held at the time provided in 13-1-104(1). For

1 ballot issues required by Article XIV, section 9, of the

2 Montana constitution to be submitted as a constitutional

3 initiative at a regular election, regular election means an

4 election held at the time provided in 13-1-104(1).

5 (9) "Individual" means a human being.

6 (10) "Issue" or "ballot issue" means a proposal

7 submitted to the people at an election for their approval or

8 rejection, including but not limited to initiatives,

9 referenda, proposed constitutional amendments, recall

10 questions, school levy questions, bond issue questions, or a

11 ballot question. For the purposes of chapters 35, 36, or 37,

12 an issue becomes a "ballot issue" upon certification by the

13 proper official that the legal procedure necessary for its

14 qualification and placement upon the ballot has been

15 completed, except that a statewide issue becomes an "issue"

16 upon approval by the secretary of state of the form of the

17 petition or referral.

18 (11) "Person" means an individual, corporation,

19 association, firm, partnership, cooperative, committee,

20 club, union, or other organization or group of individuals

21 or a candidate as defined in subsection (2) of this section.

22 (12) "Political committee" means a combination of two or

23 more individuals or a person other than an individual who

24 makes a contribution or expenditure:

25 (a) to support or oppose a candidate or a committee

organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

(13) "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

(14) "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for such nominations is set on the same date for all similar subdivisions in the state.

(15) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

(16) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

(17) "Special election" means an election other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in

conjunction with a statutorily scheduled election.

(18) "Voting machine or device" means any equipment used to record, tabulate, or in any manner process the vote of an elector."

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

"13-2-202. Registration by personal appearance. An elector may register by appearing before the registrar or a deputy-registrar and:

{1}--answering--any--questions--asked--by--the--officials--concerning--items--of--information---called---for---in---the registration-form;

{2}--signing-and-verifying-or-affirming-the-affidavit-or affidavits---on---the---form completing and signing the registration form."

Section 3. Section 13-2-203, MCA, is amended to read:

"13-2-203. Registration by mail. (1) A qualified individual may register by mailing, postage paid, a properly completed registration form to the election administrator in the county in which he the individual resides.

(2) The election administrator shall send registration forms for mail registrations to all qualified individuals requesting them and shall, in addition, arrange for the forms to be widely and conveniently available within the county. The mail registration form shall must be designed as prescribed by the secretary of state. A form prescribed by

the secretary of state explaining voter registration qualifications, deadlines, and purge information ~~shall~~ must be distributed with the mail registration form.

(3) The elector shall complete, sign, and ~~except as provided in 13-2-212, either verify or affirm the mail registration form before a notary public or other officer empowered to administer oaths or complete and sign the form and obtain the signature, address, and voting precinct of at least one registered voter in the county who shall witness the facts stated on return~~ the mail registration form.

(4) The registration form must be received by the election administrator on or before the day of the close of registration and must be returned to the administrator no later than 15 days after the date it is signed by ~~the witness or officer before whom signed.~~

(5) Registration forms properly executed before the close of registration must be accepted for 3 days after the close of registration."

Section 4. Section 13-4-107, MCA, is amended to read:

"13-4-107. Qualifications of election judges. (1) ~~Election judges shall be registered electors of the county and of the precinct in which they serve, except as provided in 13-4-102(4).~~

~~(2) No~~ An election judge may not be a candidate or a spouse, ascendent, descendant, brother, or sister of a

candidate or a candidate's spouse or the spouse of any of these in an election precinct where the candidate's name appears on the ballot. However, this does not apply to candidates for precinct offices.

(2) The secretary of state shall adopt rules specifying qualifications for election judges consistent with subsection (1)."

Section 5. 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 and the affidavits of circulation required by 13-27-302 must be presented to the election administrator of the county in which the signatures are gathered at least 1 week before the primary election filing deadline prescribed in 13-10-201(6). A filing fee is not required. The election administrator must ~~shall~~ 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 before the filing deadline established in 13-10-201(6). No filing fee is required."~~

Section 6. Section 13-10-503, MCA, is amended to read:

"13-10-503. Filing deadlines. (1) A petition for nomination and the affidavits of circulation required by 13-27-302, accompanied by the required filing fee, ~~shall~~

1 must be filed with the same officer with whom other
 2 nominations for the office sought are filed. Petitions must
 3 be submitted, at least 1 week before the deadline for
 4 filing, to the election administrator in the county where
 5 the signer resides for verification and certification by the
 6 procedures provided in 13-27-303 through 13-27-306. In the
 7 event there are insufficient signatures on the petition,
 8 additional signatures may be submitted before the deadline
 9 for filing.

10 (2) Except as provided in 13-10-504, each petition
 11 ~~shall~~ must be filed before the scheduled primary election or
 12 the filing deadline for the special or general election if
 13 no a primary election is not scheduled."

14 **Section 7.** Section 13-10-504, MCA, is amended to read:

15 "13-10-504. Independent or minor party candidates for
 16 president or vice president. (1) An individual who desires
 17 to run for president or vice president as an independent
 18 candidate or as a candidate of a party not qualified under
 19 13-10-601 must file a petition for nomination with the
 20 secretary of state 90 days prior to the date of the general
 21 election.

22 (2) The petition and the affidavits of circulation
 23 required by 13-27-302 must first be submitted, at least 1
 24 week before the deadline for filing, to the election
 25 administrator in the county where the signer resides for

1 verification and certification by the procedures provided in
 2 13-27-303 through 13-27-306.

3 (3) The petition must have the signatures of electors
 4 equal to 5% or more of the total votes cast for the
 5 successful candidate for governor at the last general
 6 election. The names of the candidates for the required
 7 number of presidential electors allowable to Montana ~~shall~~
 8 must be certified to the secretary of state when the
 9 petition for nomination is filed.

10 (4) A qualified independent presidential candidate may
 11 amend the petition and designate or choose a named
 12 vice-presidential candidate until the filing date provided
 13 in 13-25-101."

14 **Section 8.** Section 13-10-601, MCA, is amended to read:

15 "13-10-601. Parties eligible for primary election --
 16 petitions by minor parties. (1) Each political party that
 17 had a candidate for a statewide office who received a total
 18 vote that was 5% or more of the total votes cast for the
 19 successful candidate for governor in either of the last two
 20 general elections shall nominate its candidates for public
 21 office, except for presidential electors, by a primary
 22 election as provided in this chapter.

23 (2) A political party that does not qualify to hold a
 24 primary election under subsection (1) may qualify to
 25 nominate its candidates by primary election by presenting a

petition, in a form prescribed by the secretary of state, requesting the primary election and signed by a number of registered voters equal to 5% or more of the total votes cast for the successful candidate for governor at the last general election, which number must include the registered voters in more than one-third of the legislative districts equal to 5% or more of the total votes cast for the successful candidate for governor at the last general election in those districts. The petition and the affidavits of circulation required by 13-27-302 must be presented to the election administrator of the county in which the signatures were gathered to be verified under the procedures provided in 13-27-303 through 13-27-306. The election administrator shall forward the verified petition to the secretary of state at least 75 days before the date of the primary. The petition must be submitted to the election administrator at least 1 week before the deadline for submitting the verified petition to the secretary of state."

Section 9. Section 13-13-116, MCA, is amended to read:

"13-13-116. Ballots to be stamped -- one ballot to elector. (1) Before delivering ballots to an elector, the election judges shall stamp the words "official ballot" on the ballot. No A part of the stamp may not appear on the stub. They shall also stamp the name of the county, the number of the precinct, ~~the date of the election,~~ and any

other information the election administrator believes necessary to distinguish the ballots from those used in any other election.

(2) Each elector shall receive from the election judges one of each type of ballot being used at the election."

Section 10. Section 13-25-101, MCA, is amended to read:

"13-25-101. **Nomination of electors -- ballot.** (1) Each political party qualified under 13-10-601 shall nominate presidential electors for this state and file certificates of nomination for these candidates with the secretary of state in a form prescribed by the secretary of state no later than 75 days before the general election, in the manner and number provided by law.

(2) The secretary of state shall certify to the election administrator the names of the candidates for president and vice president of the several political parties, which ~~shall~~ must be printed on the ballot.

(3) The names of candidates for electors of president and vice president may not be printed upon the ballot."

Section 11. Section 13-27-401, MCA, is amended to read:

"13-27-401. **Voter information pamphlet.** (1) The secretary of state shall prepare for printing a voter information pamphlet containing the following information for each ballot issue to be voted on at an election, as applicable:

1 (a) ballot title, fiscal statement if applicable, and
2 complete text of the issue;

3 (b) the form in which the issue will appear on the
4 ballot;

5 (c) arguments advocating approval and rejection of the
6 issue; and

7 (d) rebuttal arguments.

8 (2) The pamphlet ~~shall~~ must also contain a notice
9 advising the recipient where additional copies of the
10 pamphlet may be obtained.

11 (3) Whenever more than one ballot issue is to be voted
12 on at a single election, the secretary of state may publish
13 a single pamphlet for all of the ballot issues. The
14 secretary of state may arrange the information in the order
15 which seems most appropriate, but the information for all
16 issues in the pamphlet ~~shall~~ must be presented in the same
17 order.

18 (4) The secretary of state may prescribe by rule the
19 format and manner of submission of the arguments concerning
20 the ballot issue."

21 **Section 12.** Section 13-27-410, MCA, is amended to read:

22 "13-27-410. Printing and distribution of voter
23 information pamphlet. (1) The secretary of state shall
24 arrange with the department of administration by requisition
25 for the printing and delivery of a voter information

1 pamphlet for all ballot issues to be submitted to the people
2 at least 90 days before the election at which they will be
3 submitted. The requisition ~~shall~~ must include a delivery
4 list providing for shipment of the required number of
5 pamphlets to each county and to the secretary of state.

6 (2) The secretary of state shall estimate the number of
7 copies necessary to furnish one copy to every voter in each
8 county, except that two or more voters with the same mailing
9 address and the same last name may be counted as one voter.
10 The secretary of state shall provide for an extra supply of
11 the pamphlets in determining the number of voter pamphlets
12 to be ordered in the requisition.

13 (3) The department of administration shall call for
14 bids and contract with the lowest bidder for the printing
15 and delivery of the voter information pamphlet. The contract
16 ~~shall~~ must require completion of printing and shipment, as
17 specified on the delivery list, of the voter information
18 pamphlets by not later than 30 days before the election at
19 which the ballot issues will be voted on by the people.

20 (4) The county official responsible for voter
21 registration in each county shall mail one copy of the voter
22 information pamphlet to each registered voter in the county,
23 except that two or more voters with the same mailing address
24 and the same last name may be counted as one voter. The
25 mailing ~~shall~~ must take place no later than 2 weeks after

1 the--pamphlets--are--received--from--the--printer before the
2 election.

3 (5) Ten copies of the voter information pamphlet ~~shall~~
4 must be available at each precinct for use by any voter
5 wishing to read the explanatory information and complete
6 text before voting on the ballot issues."

7 NEW SECTION. **Section 13.** Repealer. Section 13-2-102,
8 MCA, is repealed.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0318, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act generally revising the laws relating to elections; providing a definition of "regular election"; revising registration of electors; providing for qualifications of election judges; authorizing the Secretary of State to prescribe the form of the Voter Information Pamphlet (VIP) and providing for the mailing of the pamphlet.

ASSUMPTIONS:

1. The current level executive budget for the Secretary of State's Office allows for sufficient expenses in both the Business and Government Services program and Administrative Code program for promulgating administrative rules required by the proposed bill.
2. The current level executive budget accounts for Administrative Code revenue (state special revenue) for rules publication.
3. The potential savings by restricting placement of ballot issues to even-numbered general elections will not occur in the form of reduced current level budgeted expenses, but rather in the reduction of supplemental appropriation requests or "cat and dog" appropriations.

FISCAL IMPACT:

None to state agencies.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Counties may experience some savings pursuant to the restriction of placement of ballot issues on even-numbered year elections. In addition, some expenses may be incurred to alter practices to comply with the act. The amount of savings or additional expenses is not subject to reasonable estimate.

David Lewis 2-9-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Jeff Weldon 2/10/93
JEFF WELDON, PRIMARY SPONSOR DATE

Fiscal Note for SB0318, as introduced

SB 318

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

SENATE BILL NO. 318

INTRODUCED BY WELDON

BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS RELATING TO ELECTIONS; PROVIDING A DEFINITION OF "REGULAR ELECTION"; REVISING REGISTRATION OF ELECTORS; PROVIDING FOR QUALIFICATIONS OF ELECTION JUDGES; REQUIRING THAT AFFIDAVITS OF CIRCULATION ACCOMPANY PETITIONS FOR NOMINATION OF PRESIDENTIAL CANDIDATES; PROVIDING FOR AMENDMENT OF NOMINATING PETITIONS; REVISING THE STAMPING OF BALLOTS; AUTHORIZING THE SECRETARY OF STATE TO PRESCRIBE THE FORM OF THE VOTER INFORMATION PAMPHLET AND PROVIDING FOR THE MAILING OF THE PAMPHLET; AMENDING SECTIONS 13-1-101, 13-2-202, 13-2-203, 13-4-107, 13-10-405, 13-10-503, 13-10-504, 13-10-601, 13-13-116, 13-25-101, 13-27-401, AND 13-27-410, MCA; AND REPEALING SECTION 13-2-102, MCA; AND PROVIDING AN EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because 13-4-107 grants the secretary of state rulemaking authority to prescribe the qualifications for election judges. The secretary of state shall generally follow the requirements for election judges under the present statutes but adjust

those requirements to accommodate the Youth Voting Act and to permit mature persons under 18 years of age to participate as election judges as long as they are not chief election judges.

A statement of intent is also required because 13-27-401 authorizes the secretary of state to prescribe the format for the voter information pamphlet. These rules must permit the orderly, efficient presentation of the arguments that will help in reducing the costs of preparation of the voter information pamphlet.

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

Section 1. Section 13-1-101, MCA, is amended to read:

"13-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(2) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination or appointment as a candidate for public office as required by law;

(b) for the purposes of chapters 35, 36, or 37, an

1 individual who has solicited or received and retained
 2 contributions, made expenditures, or given consent to an
 3 individual, organization, political party, or committee to
 4 solicit or receive and retain contributions or make
 5 expenditures on his the individual's behalf to secure
 6 nomination or election to any office at any time, whether or
 7 not the office for which the individual will seek nomination
 8 or election is known when the:

- 9 (i) solicitation is made;
- 10 (ii) contribution is received and retained; or
- 11 (iii) expenditure is made; and
- 12 (c) an officeholder who is the subject of a recall
 13 election.

14 (3) (a) "Contribution" means:

- 15 (i) an advance, gift, loan, conveyance, deposit,
 16 payment, or distribution of money or anything of value to
 17 influence an election;
- 18 (ii) a transfer of funds between political committees;
- 19 (iii) the payment by a person other than a candidate or
 20 political committee of compensation for the personal
 21 services of another person that are rendered to a candidate
 22 or political committee.

23 (b) "Contribution" does not mean:

- 24 (i) services provided without compensation by
 25 individuals volunteering a portion or all of their time on

1 behalf of a candidate or political committee or meals and
 2 lodging provided by individuals in their private residence
 3 for a candidate or other individual;

4 (ii) the cost of any bona fide news story, commentary,
 5 or editorial distributed through the facilities of any
 6 broadcasting station, newspaper, magazine, or other
 7 periodical publication of general circulation;

8 (iii) the cost of any communication by any membership
 9 organization or corporation to its members or stockholders
 10 or employees, so as long as such the organization is not a
 11 primary political committee; or

12 (iv) filing fees paid by the candidate.

13 (4) "Election" means a general, regular, special, or
 14 primary election held pursuant to the requirements of state
 15 law, regardless of the time and/or or purpose.

16 (5) "Election administrator" means the county clerk and
 17 recorder or the individual designated by a county governing
 18 body to be responsible for all election administration
 19 duties, except that with regard to school elections, the
 20 term means the school district clerk.

21 (6) "Elector" means an individual qualified and
 22 registered to vote under state law.

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 24 distribution, loan, advance, promise, pledge, or gift of
 25 money or anything of value made for the purpose of

1 influencing the results of an election.

2 (b) "Expenditure" does not mean:

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4 that they are not contributions under subsection (3);

5 (ii) payments by a candidate for his a filing fee or for
6 personal travel expenses, food, clothing, lodging, or
7 personal necessities for himself the candidate and his the
8 candidate's family;

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10 or editorial distributed through the facilities of any
11 broadcasting station, newspaper, magazine, or other
12 periodical publication of general circulation; or

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14 organization or corporation to its members or stockholders
15 or employees, ~~so as~~ long as such the organization is not a
16 primary political committee.

17 (8) "General election" or "regular election" means an
18 election held for the election of public officers throughout
19 the state at times specified by law, including elections for
20 officers of political subdivisions when the time of the
21 election is set on the same date for all similar political
22 subdivisions in the state. For ballot issues required by
23 Article III, section 6, or Article XIV, section 8, of the
24 Montana constitution to be submitted by the legislature to
25 the electors at a general election, "general election" means

1 an election held at the time provided in 13-1-104(1). For
2 ballot issues required by Article XIV, section 9, of the
3 Montana constitution to be submitted as a constitutional
4 initiative at a regular election, regular election means an
5 election held at the time provided in 13-1-104(1).

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8 submitted to the people at an election for their approval or
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12 ballot question. For the purposes of chapters 35, 36, or 37,
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24 more individuals or a person other than an individual who
25 makes a contribution or expenditure:

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(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

(13) "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

(14) "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for such nominations is set on the same date for all similar subdivisions in the state.

(15) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

(16) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

(17) "Special election" means an election other than a statutorily scheduled primary or general election held at

any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

(18) "Voting machine or device" means any equipment used to record, tabulate, or in any manner process the vote of an elector."

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

"13-2-202. Registration by personal appearance. An elector may register by appearing before the registrar or--a deputy-registrar and:

{1}--answering--any--questions--asked--by--the--official concerning---items---of---information---called--for--in--the registration-form;

{2}--signing-and-verifying-or-affirming-the-affidavit-or affidavits--on--the--form completing and signing the registration form."

Section 3. Section 13-2-203, MCA, is amended to read:

"13-2-203. Registration by mail. (1) A qualified individual may register by mailing, postage paid, a properly completed registration form to the election administrator in the county in which he the individual resides.

(2) The election administrator shall send registration forms for mail registrations to all qualified individuals requesting them and shall, in addition, arrange for the forms to be widely and conveniently available within the county. The mail registration form shall must be designed as

prescribed by the secretary of state. A form prescribed by the secretary of state explaining voter registration qualifications, deadlines, and purge information ~~shall~~ must be distributed with the mail registration form.

(3) The elector shall complete, sign, and, ~~except as provided in 13-2-212, either verify or affirm the mail registration form before a notary public or other officer empowered to administer oaths or complete and sign the form and obtain the signature, address, and voting precinct of at least one registered voter in the county who shall witness the facts stated on return~~ the mail registration form.

(4) The registration form must be received by the election administrator on or before the day of the close of registration and must be returned to the administrator no later than 15 days after the date it is signed by the ~~witness or officer before whom signed.~~

(5) Registration forms properly executed before the close of registration must be accepted for 3 days after the close of registration."

Section 4. Section 13-4-107, MCA, is amended to read:

"13-4-107. Qualifications of election judges. (1) ~~Election judges shall be registered electors of the county and of the precinct in which they serve, except as provided in 13-4-102(4);~~

~~(2) No~~ An election judge may not be a candidate or a

spouse, ascendent, descendant, brother, or sister of a candidate or a candidate's spouse or the spouse of any of these in an election precinct where the candidate's name appears on the ballot. However, this does not apply to candidates for precinct offices.

(2) The secretary of state shall adopt rules specifying qualifications for election judges consistent with subsection (1)."

Section 5. 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 and the affidavits of circulation required by 13-27-302 must be presented to the election administrator of the county in which the signatures are gathered at least 1 week before the primary election filing deadline prescribed in 13-10-201(6). A filing fee is not required. The election administrator ~~must~~ shall 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 before the filing deadline established in 13-10-201(6). No filing fee is required."~~

Section 6. Section 13-10-503, MCA, is amended to read:

"13-10-503. Filing deadlines. (1) A petition for nomination and the affidavits of circulation required by

1 13-27-302, accompanied by the required filing fee, ~~shall~~
 2 must be filed with the same officer with whom other
 3 nominations for the office sought are filed. Petitions must
 4 be submitted, at least 1 week before the deadline for
 5 filing, to the election administrator in the county where
 6 the signer resides for verification and certification by the
 7 procedures provided in 13-27-303 through 13-27-306. In the
 8 event there are insufficient signatures on the petition,
 9 additional signatures may be submitted before the deadline
 10 for filing.

11 (2) Except as provided in 13-10-504, each petition
 12 ~~shall must~~ be filed before the scheduled primary election or
 13 the filing deadline for the special or general election if
 14 ~~no~~ a primary election is not scheduled."

15 **Section 7.** Section 13-10-504, MCA, is amended to read:

16 "13-10-504. Independent or minor party candidates for
 17 president or vice president. (1) An individual who desires
 18 to run for president or vice president as an independent
 19 candidate or as a candidate of a party not qualified under
 20 13-10-601 must file a petition for nomination with the
 21 secretary of state 90 days prior to the date of the general
 22 election.

23 (2) The petition and the affidavits of circulation
 24 required by 13-27-302 must first be submitted, at least 1
 25 week before the deadline for filing, to the election

1 administrator in the county where the signer resides for
 2 verification and certification by the procedures provided in
 3 13-27-303 through 13-27-306.

4 (3) The petition must have the signatures of electors
 5 equal to 5% or more of the total votes cast for the
 6 successful candidate for governor at the last general
 7 election. The names of the candidates for the required
 8 number of presidential electors allowable to Montana ~~shall~~
 9 must be certified to the secretary of state when the
 10 petition for nomination is filed.

11 (4) A qualified independent presidential candidate may
 12 amend the petition and designate or choose a named
 13 vice-presidential candidate until the filing date provided
 14 in 13-25-101."

15 **Section 8.** Section 13-10-601, MCA, is amended to read:

16 "13-10-601. Parties eligible for primary election --
 17 petitions by minor parties. (1) Each political party that
 18 had a candidate for a statewide office who received a total
 19 vote that was 5% or more of the total votes cast for the
 20 successful candidate for governor in either of the last two
 21 general elections shall nominate its candidates for public
 22 office, except for presidential electors, by a primary
 23 election as provided in this chapter.

24 (2) A political party that does not qualify to hold a
 25 primary election under subsection (1) may qualify to

1 nominate its candidates by primary election by presenting a
 2 petition, in a form prescribed by the secretary of state,
 3 requesting the primary election and signed by a number of
 4 registered voters equal to 5% or more of the total votes
 5 cast for the successful candidate for governor at the last
 6 general election, which number must include the registered
 7 voters in more than one-third of the legislative districts
 8 equal to 5% or more of the total votes cast for the
 9 successful candidate for governor at the last general
 10 election in those districts. The petition and the affidavits
 11 of circulation required by 13-27-302 must be presented to
 12 the election administrator of the county in which the
 13 signatures were gathered to be verified under the procedures
 14 provided in 13-27-303 through 13-27-306. The election
 15 administrator shall forward the verified petition to the
 16 secretary of state at least 75 days before the date of the
 17 primary. The petition must be submitted to the election
 18 administrator at least 1 week before the deadline for
 19 submitting the verified petition to the secretary of state."

20 **Section 9.** Section 13-13-116, MCA, is amended to read:

21 "13-13-116. Ballots to be stamped -- one ballot to
 22 elector. (1) Before delivering ballots to an elector, the
 23 election judges shall stamp the words "official ballot" on
 24 the ballot. No A part of the stamp may not appear on the
 25 stub. They shall also stamp the name of the county, the

1 number of the precinct, ~~the-date-of-the--election,~~ and any
 2 other information the election administrator believes
 3 necessary to distinguish the ballots from those used in any
 4 other election.

5 (2) Each elector shall receive from the election judges
 6 one of each type of ballot being used at the election."

7 **Section 10.** Section 13-25-101, MCA, is amended to read:

8 "13-25-101. Nomination of electors -- ballot. (1) Each
 9 political party qualified under 13-10-601 shall nominate
 10 presidential electors for this state and file certificates
 11 of nomination for these candidates with the secretary of
 12 state in a form prescribed by the secretary of state no
 13 later than 75 days before the general election, in the
 14 manner and number provided by law.

15 (2) The secretary of state shall certify to the
 16 election administrator the names of the candidates for
 17 president and vice president of the several political
 18 parties, which ~~shall~~ must be printed on the ballot.

19 (3) The names of candidates for electors of president
 20 and vice president may not be printed upon the ballot."

21 **Section 11.** Section 13-27-401, MCA, is amended to read:

22 "13-27-401. Voter information pamphlet. (1) The
 23 secretary of state shall prepare for printing a voter
 24 information pamphlet containing the following information
 25 for each ballot issue to be voted on at an election, as

applicable:

(a) ballot title, fiscal statement if applicable, and complete text of the issue;

(b) the form in which the issue will appear on the ballot;

(c) arguments advocating approval and rejection of the issue; and

(d) rebuttal arguments.

(2) The pamphlet ~~shall~~ must also contain a notice advising the recipient where additional copies of the pamphlet may be obtained.

(3) Whenever more than one ballot issue is to be voted on at a single election, the secretary of state may publish a single pamphlet for all of the ballot issues. The secretary of state may arrange the information in the order which seems most appropriate, but the information for all issues in the pamphlet ~~shall~~ must be presented in the same order.

(4) The secretary of state may prescribe by rule the format and manner of submission of the arguments concerning the ballot issue."

Section 12. Section 13-27-410, MCA, is amended to read:

"13-27-410. Printing and distribution of voter information pamphlet. (1) The secretary of state shall arrange with the department of administration by requisition

for the printing and delivery of a voter information pamphlet for all ballot issues to be submitted to the people at least 90 days before the election at which they will be submitted. The requisition ~~shall~~ must include a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to every voter in each county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in determining the number of voter pamphlets to be ordered in the requisition.

(3) The department of administration shall call for bids and contract with the lowest bidder for the printing and delivery of the voter information pamphlet. The contract ~~shall~~ must require completion of printing and shipment, as specified on the delivery list, of the voter information pamphlets by not later than 30 days before the election at which the ballot issues will be voted on by the people.

(4) The county official responsible for voter registration in each county shall mail one copy of the voter information pamphlet to each registered voter in the county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The

1 mailing ~~shall~~ must take place no later than 2 weeks after
2 ~~the-pamphlets-are--received--from--the--printer~~ before the
3 election.

4 (5) Ten copies of the voter information pamphlet ~~shall~~
5 must be available at each precinct for use by any voter
6 wishing to read the explanatory information and complete
7 text before voting on the ballot issues."

8 NEW SECTION. Section 13. Repealer. Section 13-2-102,
9 MCA, is repealed.

10 NEW SECTION. SECTION 14. EFFECTIVE DATE. [THIS ACT] IS
11 EFFECTIVE JULY 1, 1993.

-End-

SENATE BILL NO. 318

INTRODUCED BY WELDON

BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS RELATING TO ELECTIONS; PROVIDING A DEFINITION OF "REGULAR ELECTION"; REVISING REGISTRATION OF ELECTORS; PROVIDING FOR QUALIFICATIONS OF ELECTION JUDGES; REQUIRING THAT AFFIDAVITS OF CIRCULATION ACCOMPANY PETITIONS FOR NOMINATION OF PRESIDENTIAL CANDIDATES; PROVIDING FOR AMENDMENT OF NOMINATING PETITIONS; REVISING THE STAMPING OF BALLOTS; AUTHORIZING THE SECRETARY OF STATE TO PRESCRIBE THE FORM OF THE VOTER INFORMATION PAMPHLET AND PROVIDING FOR THE MAILING OF THE PAMPHLET; AMENDING SECTIONS 13-1-101, 13-2-202, 13-2-203, 13-4-107, 13-10-405, 13-10-503, 13-10-504, 13-10-601, 13-13-116, 13-25-101, 13-27-401, AND 13-27-410, MCA; AND REPEALING SECTION 13-2-102, MCA; AND PROVIDING AN EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because 13-4-107 grants the secretary of state rulemaking authority to prescribe the qualifications for election judges. The secretary of state shall generally follow the requirements for election judges under the present statutes but adjust

those requirements to accommodate the Youth Voting Act and to permit mature persons under 18 years of age to participate as election judges as long as they are not chief election judges.

A statement of intent is also required because 13-27-401 authorizes the secretary of state to prescribe the format for the voter information pamphlet. These rules must permit the orderly, efficient presentation of the arguments that will help in reducing the costs of preparation of the voter information pamphlet.

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

Section 1. Section 13-1-101, MCA, is amended to read:

"13-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(2) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination or appointment as a candidate for public office as required by law;

(b) for the purposes of chapters 35, 36, or 37, an

1 individual who has solicited or received and retained
 2 contributions, made expenditures, or given consent to an
 3 individual, organization, political party, or committee to
 4 solicit or receive and retain contributions or make
 5 expenditures on his the individual's behalf to secure
 6 nomination or election to any office at any time, whether or
 7 not the office for which the individual will seek nomination
 8 or election is known when the:

9 (i) solicitation is made;
 10 (ii) contribution is received and retained; or
 11 (iii) expenditure is made; and
 12 (c) an officeholder who is the subject of a recall
 13 election.

14 (3) (a) "Contribution" means:

15 (i) an advance, gift, loan, conveyance, deposit,
 16 payment, or distribution of money or anything of value to
 17 influence an election;

18 (ii) a transfer of funds between political committees;

19 (iii) the payment by a person other than a candidate or
 20 political committee of compensation for the personal
 21 services of another person that are rendered to a candidate
 22 or political committee.

23 (b) "Contribution" does not mean:

24 (i) services provided without compensation by
 25 individuals volunteering a portion or all of their time on

1 behalf of a candidate or political committee or meals and
 2 lodging provided by individuals in their private residence
 3 for a candidate or other individual;

4 (ii) the cost of any bona fide news story, commentary,
 5 or editorial distributed through the facilities of any
 6 broadcasting station, newspaper, magazine, or other
 7 periodical publication of general circulation;

8 (iii) the cost of any communication by any membership
 9 organization or corporation to its members or stockholders
 10 or employees, so as long as such the organization is not a
 11 primary political committee; or

12 (iv) filing fees paid by the candidate.

13 (4) "Election" means a general, regular, special, or
 14 primary election held pursuant to the requirements of state
 15 law, regardless of the time and/or or purpose.

16 (5) "Election administrator" means the county clerk and
 17 recorder or the individual designated by a county governing
 18 body to be responsible for all election administration
 19 duties, except that with regard to school elections, the
 20 term means the school district clerk.

21 (6) "Elector" means an individual qualified and
 22 registered to vote under state law.

23 (7) (a) "Expenditure" means a purchase, payment,
 24 distribution, loan, advance, promise, pledge, or gift of
 25 money or anything of value made for the purpose of

1 influencing the results of an election.

2 (b) "Expenditure" does not mean:

3 (i) services, food, or lodging provided in a manner
4 that they are not contributions under subsection (3);

5 (ii) payments by a candidate for his a filing fee or for
6 personal travel expenses, food, clothing, lodging, or
7 personal necessities for himself the candidate and his the
8 candidate's family;

9 (iii) the cost of any bona fide news story, commentary,
10 or editorial distributed through the facilities of any
11 broadcasting station, newspaper, magazine, or other
12 periodical publication of general circulation; or

13 (iv) the cost of any communication by any membership
14 organization or corporation to its members or stockholders
15 or employees, so as long as such the organization is not a
16 primary political committee.

17 (8) "General election" or "regular election" means an
18 election held for the election of public officers throughout
19 the state at times specified by law, including elections for
20 officers of political subdivisions when the time of the
21 election is set on the same date for all similar political
22 subdivisions in the state. For ballot issues required by
23 Article III, section 6, or Article XIV, section 8, of the
24 Montana constitution to be submitted by the legislature to
25 the electors at a general election, "general election" means

1 an election held at the time provided in 13-1-104(1). For
2 ballot issues required by Article XIV, section 9, of the
3 Montana constitution to be submitted as a constitutional
4 initiative at a regular election, regular election means an
5 election held at the time provided in 13-1-104(1).

6 (9) "Individual" means a human being.

7 (10) "Issue" or "ballot issue" means a proposal
8 submitted to the people at an election for their approval or
9 rejection, including but not limited to initiatives,
10 referenda, proposed constitutional amendments, recall
11 questions, school levy questions, bond issue questions, or a
12 ballot question. For the purposes of chapters 35, 36, or 37,
13 an issue becomes a "ballot issue" upon certification by the
14 proper official that the legal procedure necessary for its
15 qualification and placement upon the ballot has been
16 completed, except that a statewide issue becomes an "issue"
17 upon approval by the secretary of state of the form of the
18 petition or referral.

19 (11) "Person" means an individual, corporation,
20 association, firm, partnership, cooperative, committee,
21 club, union, or other organization or group of individuals
22 or a candidate as defined in subsection (2) of this section.

23 (12) "Political committee" means a combination of two or
24 more individuals or a person other than an individual who
25 makes a contribution or expenditure:

(a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

(13) "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

(14) "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for such nominations is set on the same date for all similar subdivisions in the state.

(15) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

(16) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

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any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

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prescribed by the secretary of state. A form prescribed by the secretary of state explaining voter registration qualifications, deadlines, and purge information shall must be distributed with the mail registration form.

(3) The elector shall complete, sign, and ~~except as provided in 13-2-212, either verify or affirm the mail registration form before a notary public or other officer empowered to administer oaths or complete and sign the form and obtain the signature, address, and voting precinct of at least one registered voter in the county who shall witness the facts stated on return~~ the mail registration form.

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~~(2) No~~ An election judge may not be a candidate or a

spouse, ascendent, descendant, brother, or sister of a candidate or a candidate's spouse or the spouse of any of these in an election precinct where the candidate's name appears on the ballot. However, this does not apply to candidates for precinct offices.

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The election administrator must shall 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 before the filing deadline established in 13-10-201(6). No filing fee is required."~~

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 6 the signer resides for verification and certification by the
 7 procedures provided in 13-27-303 through 13-27-306. In the
 8 event there are insufficient signatures on the petition,
 9 additional signatures may be submitted before the deadline
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 12 shall must be filed before the scheduled primary election or
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3 at least 90 days before the election at which they will be
4 submitted. The requisition shall must include a delivery
5 list providing for shipment of the required number of
6 pamphlets to each county and to the secretary of state.

7 (2) The secretary of state shall estimate the number of
8 copies necessary to furnish one copy to every voter in each
9 county, except that two or more voters with the same mailing
10 address and the same last name may be counted as one voter.
11 The secretary of state shall provide for an extra supply of
12 the pamphlets in determining the number of voter pamphlets
13 to be ordered in the requisition.

14 (3) The department of administration shall call for
15 bids and contract with the lowest bidder for the printing
16 and delivery of the voter information pamphlet. The contract
17 shall must require completion of printing and shipment, as
18 specified on the delivery list, of the voter information
19 pamphlets by not later than 30 days before the election at
20 which the ballot issues will be voted on by the people.

21 (4) The county official responsible for voter
22 registration in each county shall mail one copy of the voter
23 information pamphlet to each registered voter in the county,
24 except that two or more voters with the same mailing address
25 and the same last name may be counted as one voter. The

1 mailing shall must take place no later than 2 weeks after
2 ~~the pamphlets are received from the printer~~ before the
3 election.

4 (5) Ten copies of the voter information pamphlet shall
5 must be available at each precinct for use by any voter
6 wishing to read the explanatory information and complete
7 text before voting on the ballot issues."

8 NEW SECTION. Section 13. Repealer. Section 13-2-102,
9 MCA, is repealed.

10 NEW SECTION. SECTION 14. EFFECTIVE DATE. [THIS ACT] IS
11 EFFECTIVE JULY 1, 1993.

-End-

HOUSE STANDING COMMITTEE REPORT

March 19, 1993

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that Senate Bill 318 (third reading copy -- blue) be concurred in as amended .

Signed: *Dick Simpkins*
Dick Simpkins, Chair

And, that such amendments read:

Carried by: Rep. Toole

1. Title, line 8.

Strike: "PROVIDING FOR QUALIFICATIONS FOR ELECTION JUDGES;"

2. Title, line 15.

Strike: "13-4-107,"

3. Page 1, line 22 through page 2, line 5.

Strike: "13-4-107" on page 1, line 22 through "because" on page 2, line 5

4. Page 9, line 11.

Following: "~~on~~"

Insert: ", except as provided in 13-2-212, either verify or affirm the mail registration form before a notary public or other officer empowered to administer oaths or complete and sign the form and obtain the signature, address, and voting precinct of at least one registered voter in the county who shall witness the facts stated on the form and shall"

5. Page 9, line 16.

Following: "~~signed~~"

Insert: "by the witness or officer before whom signed"

6. Page 9, line 20 through page 10, line 8.

Strike: Section 4 in its entirety

Renumber: subsequent sections

Committee Vote:
Yes 14, No 2.

HOUSE

SB 318

622137SC.Hss

SS
3-20-93
12:20

HOUSE COMMITTEE OF THE WHOLE AMENDMENT
Senate Bill 318
Representative S. Rice

March 26, 1993 12:21 pm
Page 1 of 1

Mr. Chairman: I move to amend Senate Bill 318 (House State Administration Committee amendments, dated March 19, 1993, to the third reading copy -- blue).

Signed: Shula Rice

Representative S. Rice

Amend House Committee on State Administration amendments dated March 19, 1993 as follows:

1. Amendment number 4.
Strike: in its entirety
2. Amendment number 5.
Strike: in its entirety

-END-

ADOPT

REJECT

SB 318

HOUSE

SENATE BILL NO. 318

INTRODUCED BY WELDON

BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS RELATING TO ELECTIONS; PROVIDING A DEFINITION OF "REGULAR ELECTION"; REVISING REGISTRATION OF ELECTORS; ~~PROVIDING FOR QUALIFICATIONS OF ELECTION JUDGES~~; REQUIRING THAT AFFIDAVITS OF CIRCULATION ACCOMPANY PETITIONS FOR NOMINATION OF PRESIDENTIAL CANDIDATES; PROVIDING FOR AMENDMENT OF NOMINATING PETITIONS; REVISING THE STAMPING OF BALLOTS; AUTHORIZING THE SECRETARY OF STATE TO PRESCRIBE THE FORM OF THE VOTER INFORMATION PAMPHLET AND PROVIDING FOR THE MAILING OF THE PAMPHLET; AMENDING SECTIONS 13-1-101, 13-2-202, 13-2-203, ~~13-4-107~~ 13-10-405, 13-10-503, 13-10-504, 13-10-601, 13-13-116, 13-25-101, 13-27-401, AND 13-27-410, MCA; AND REPEALING SECTION 13-2-102, MCA; AND PROVIDING AN EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because ~~13-4-107 grants the secretary of state rulemaking authority to prescribe the qualifications for election judges. The secretary of state shall generally follow the requirements for election judges under the present statutes but adjust~~

~~those requirements to accommodate the Youth Voting Act and to permit mature persons under 18 years of age to participate as election judges as long as they are not chief election judges.~~

A statement of intent is also required because 13-27-401 authorizes the secretary of state to prescribe the format for the voter information pamphlet. These rules must permit the orderly, efficient presentation of the arguments that will help in reducing the costs of preparation of the voter information pamphlet.

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

Section 1. Section 13-1-101, MCA, is amended to read:

"13-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

(2) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination or appointment as a candidate for public office as required by law;

(b) for the purposes of chapters 35, 36, or 37, an

individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on his the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; and

(c) an officeholder who is the subject of a recall election.

(3) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) "Contribution" does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on

behalf of a candidate or political committee or meals and lodging provided by individuals in their private residence for a candidate or other individual;

(ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iii) the cost of any communication by any membership organization or corporation to its members or stockholders or employees, so as long as such the organization is not a primary political committee; or

(iv) filing fees paid by the candidate.

(4) "Election" means a general, regular, special, or primary election held pursuant to the requirements of state law, regardless of the time and/or or purpose.

(5) "Election administrator" means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections, the term means the school district clerk.

(6) "Elector" means an individual qualified and registered to vote under state law.

(7) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made for the purpose of

1 influencing the results of an election.

2 (b) "Expenditure" does not mean:

3 (i) services, food, or lodging provided in a manner
4 that they are not contributions under subsection (3);

5 (ii) payments by a candidate for his a filing fee or for
6 personal travel expenses, food, clothing, lodging, or
7 personal necessities for himself the candidate and his the
8 candidate's family;

9 (iii) the cost of any bona fide news story, commentary,
10 or editorial distributed through the facilities of any
11 broadcasting station, newspaper, magazine, or other
12 periodical publication of general circulation; or

13 (iv) the cost of any communication by any membership
14 organization or corporation to its members or stockholders
15 or employees, so as long as such the organization is not a
16 primary political committee.

17 (8) "General election" or "regular election" means an
18 election held for the election of public officers throughout
19 the state at times specified by law, including elections for
20 officers of political subdivisions when the time of the
21 election is set on the same date for all similar political
22 subdivisions in the state. For ballot issues required by
23 Article III, section 6, or Article XIV, section 8, of the
24 Montana constitution to be submitted by the legislature to
25 the electors at a general election, "general election" means

1 an election held at the time provided in 13-1-104(1). For
2 ballot issues required by Article XIV, section 9, of the
3 Montana constitution to be submitted as a constitutional
4 initiative at a regular election, regular election means an
5 election held at the time provided in 13-1-104(1).

6 (9) "Individual" means a human being.

7 (10) "Issue" or "ballot issue" means a proposal
8 submitted to the people at an election for their approval or
9 rejection, including but not limited to initiatives,
10 referenda, proposed constitutional amendments, recall
11 questions, school levy questions, bond issue questions, or a
12 ballot question. For the purposes of chapters 35, 36, or 37,
13 an issue becomes a "ballot issue" upon certification by the
14 proper official that the legal procedure necessary for its
15 qualification and placement upon the ballot has been
16 completed, except that a statewide issue becomes an "issue"
17 upon approval by the secretary of state of the form of the
18 petition or referral.

19 (11) "Person" means an individual, corporation,
20 association, firm, partnership, cooperative, committee,
21 club, union, or other organization or group of individuals
22 or a candidate as defined in subsection (2) of this section.

23 (12) "Political committee" means a combination of two or
24 more individuals or a person other than an individual who
25 makes a contribution or expenditure:

(a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

(13) "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

(14) "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for such nominations is set on the same date for all similar subdivisions in the state.

(15) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

(16) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

(17) "Special election" means an election other than a statutorily scheduled primary or general election held at

any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

(18) "Voting machine or device" means any equipment used to record, tabulate, or in any manner process the vote of an elector."

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

"13-2-202. Registration by personal appearance. An elector may register by appearing before the registrar or--a deputy-registrar and:

~~(1)--answering--any--questions--asked--by--the--official concerning--items---of---information---called--for--in--the registration-form;~~

~~(2)--signing-and-verifying-or-affirming-the-affidavit-or affidavits--on--the--form completing and signing the registration form.~~"

Section 3. Section 13-2-203, MCA, is amended to read:

"13-2-203. Registration by mail. (1) A qualified individual may register by mailing, postage paid, a properly completed registration form to the election administrator in the county in which he the individual resides.

(2) The election administrator shall send registration forms for mail registrations to all qualified individuals requesting them and shall, in addition, arrange for the forms to be widely and conveniently available within the county. The mail registration form shall must be designed as

prescribed by the secretary of state. A form prescribed by the secretary of state explaining voter registration qualifications, deadlines, and purge information shall must be distributed with the mail registration form.

(3) The elector shall complete, sign, and, except as provided in 13-2-212, either verify or affirm the mail registration form before a notary public or other officer empowered to administer oaths or complete and sign the form and obtain the signature, address, and voting precinct of at least one registered voter in the county who shall witness the facts stated on, EXCEPT AS PROVIDED IN 13-2-212, EITHER VERIFY OR AFFIRM THE MAIL REGISTRATION FORM BEFORE A NOTARY PUBLIC OR OTHER OFFICER EMPOWERED TO ADMINISTER OATHS OR COMPLETE AND SIGN THE FORM AND OBTAIN THE SIGNATURE, ADDRESS, AND VOTING PRECINCT OF AT LEAST ONE REGISTERED VOTER IN THE COUNTY WHO SHALL WITNESS THE FACTS STATED ON THE FORM AND SHALL return the mail registration form.

(4) The registration form must be received by the election administrator on or before the day of the close of registration and must be returned to the administrator no later than 15 days after the date it is signed by the witness or officer before whom signed BY THE WITNESS OR OFFICER BEFORE WHOM SIGNED.

(5) Registration forms properly executed before the close of registration must be accepted for 3 days after the

close of registration."

Section 4. ~~Section 13-4-107, MCA, is amended to read:--~~

~~"13-4-107. Qualifications of election judges. (1) Election judges shall be registered electors of the county and of the precinct in which they serve, except as provided in 13-4-102(4)."~~

~~(2) No An election judge may not be a candidate or a spouse, ascendent, descendant, brother, or sister of a candidate or a candidate's spouse or the spouse of any of these in an election precinct where the candidate's name appears on the ballot. However, this does not apply to candidates for precinct offices.~~

~~(2) The secretary of state shall adopt rules specifying qualifications for election judges consistent with subsection (1)."~~

Section 4. 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 and the affidavits of circulation required by 13-27-302 must be presented to the election administrator of the county in which the signatures are gathered at least 1 week before the primary election filing deadline prescribed in 13-10-201(6). A filing fee is not required. The election administrator must shall verify the signatures in the manner prescribed in 13-27-303 through 13-27-308 and

1 must forward the petitions to the secretary of state. The
 2 petitions--must--be--submitted--to--the--election--administrator
 3 before--the--filing--deadline--established--in--13-10-201(6)--No
 4 filing-fee-is-required."

5 **Section 5.** Section 13-10-503, MCA, is amended to read:

6 "13-10-503. Filing deadlines. (1) A petition for
 7 nomination and the affidavits of circulation required by
 8 13-27-302, accompanied by the required filing fee, shall
 9 must be filed with the same officer with whom other
 10 nominations for the office sought are filed. Petitions must
 11 be submitted, at least 1 week before the deadline for
 12 filing, to the election administrator in the county where
 13 the signer resides for verification and certification by the
 14 procedures provided in 13-27-303 through 13-27-306. In the
 15 event there are insufficient signatures on the petition,
 16 additional signatures may be submitted before the deadline
 17 for filing.

18 (2) Except as provided in 13-10-504, each petition
 19 shall must be filed before the scheduled primary election or
 20 the filing deadline for the special or general election if
 21 no a primary election is not scheduled."

22 **Section 6.** Section 13-10-504, MCA, is amended to read:

23 "13-10-504. Independent or minor party candidates for
 24 president or vice president. (1) An individual who desires
 25 to run for president or vice president as an independent

1 candidate or as a candidate of a party not qualified under
 2 13-10-601 must file a petition for nomination with the
 3 secretary of state 90 days prior to the date of the general
 4 election.

5 (2) The petition and the affidavits of circulation
 6 required by 13-27-302 must first be submitted, at least 1
 7 week before the deadline for filing, to the election
 8 administrator in the county where the signer resides for
 9 verification and certification by the procedures provided in
 10 13-27-303 through 13-27-306.

11 (3) The petition must have the signatures of electors
 12 equal to 5% or more of the total votes cast for the
 13 successful candidate for governor at the last general
 14 election. The names of the candidates for the required
 15 number of presidential electors allowable to Montana shall
 16 must be certified to the secretary of state when the
 17 petition for nomination is filed.

18 (4) A qualified independent presidential candidate may
 19 amend the petition and designate or choose a named
 20 vice-presidential candidate until the filing date provided
 21 in 13-25-101."

22 **Section 7.** Section 13-10-601, MCA, is amended to read:

23 "13-10-601. Parties eligible for primary election --
 24 petitions by minor parties. (1) Each political party that
 25 had a candidate for a statewide office who received a total

vote that was 5% or more of the total votes cast for the successful candidate for governor in either of the last two general elections shall nominate its candidates for public office, except for presidential electors, by a primary election as provided in this chapter.

(2) A political party that does not qualify to hold a primary election under subsection (1) may qualify to nominate its candidates by primary election by presenting a petition, in a form prescribed by the secretary of state, requesting the primary election and signed by a number of registered voters equal to 5% or more of the total votes cast for the successful candidate for governor at the last general election, which number must include the registered voters in more than one-third of the legislative districts equal to 5% or more of the total votes cast for the successful candidate for governor at the last general election in those districts. The petition and the affidavits of circulation required by 13-27-302 must be presented to the election administrator of the county in which the signatures were gathered to be verified under the procedures provided in 13-27-303 through 13-27-306. The election administrator shall forward the verified petition to the secretary of state at least 75 days before the date of the primary. The petition must be submitted to the election administrator at least 1 week before the deadline for

submitting the verified petition to the secretary of state."

Section 8. Section 13-13-116, MCA, is amended to read:

"13-13-116. Ballots to be stamped -- one ballot to elector. (1) Before delivering ballots to an elector, the election judges shall stamp the words "official ballot" on the ballot. No A part of the stamp may not appear on the stub. They shall also stamp the name of the county, the number of the precinct, the ~~date of the~~ election, and any other information the election administrator believes necessary to distinguish the ballots from those used in any other election.

(2) Each elector shall receive from the election judges one of each type of ballot being used at the election."

Section 9. Section 13-25-101, MCA, is amended to read:

"13-25-101. Nomination of electors -- ballot. (1) Each political party qualified under 13-10-601 shall nominate presidential electors for this state and file certificates of nomination for these candidates with the secretary of state in a form prescribed by the secretary of state no later than 75 days before the general election, in the manner and number provided by law.

(2) The secretary of state shall certify to the election administrator the names of the candidates for president and vice president of the several political parties, which ~~shall~~ must be printed on the ballot.

(3) The names of candidates for electors of president and vice president may not be printed upon the ballot."

Section 10. Section 13-27-401, MCA, is amended to read:

"13-27-401. Voter information pamphlet. (1) The secretary of state shall prepare for printing a voter information pamphlet containing the following information for each ballot issue to be voted on at an election, as applicable:

(a) ballot title, fiscal statement if applicable, and complete text of the issue;

(b) the form in which the issue will appear on the ballot;

(c) arguments advocating approval and rejection of the issue; and

(d) rebuttal arguments.

(2) The pamphlet shall must also contain a notice advising the recipient where additional copies of the pamphlet may be obtained.

(3) Whenever more than one ballot issue is to be voted on at a single election, the secretary of state may publish a single pamphlet for all of the ballot issues. The secretary of state may arrange the information in the order which seems most appropriate, but the information for all issues in the pamphlet shall must be presented in the same order.

(4) The secretary of state may prescribe by rule the format and manner of submission of the arguments concerning the ballot issue."

Section 11. Section 13-27-410, MCA, is amended to read:

"13-27-410. Printing and distribution of voter information pamphlet. (1) The secretary of state shall arrange with the department of administration by requisition for the printing and delivery of a voter information pamphlet for all ballot issues to be submitted to the people at least 90 days before the election at which they will be submitted. The requisition shall must include a delivery list providing for shipment of the required number of pamphlets to each county and to the secretary of state.

(2) The secretary of state shall estimate the number of copies necessary to furnish one copy to every voter in each county, except that two or more voters with the same mailing address and the same last name may be counted as one voter. The secretary of state shall provide for an extra supply of the pamphlets in determining the number of voter pamphlets to be ordered in the requisition.

(3) The department of administration shall call for bids and contract with the lowest bidder for the printing and delivery of the voter information pamphlet. The contract shall must require completion of printing and shipment, as specified on the delivery list, of the voter information.

1 pamphlets by not later than 30 days before the election at
2 which the ballot issues will be voted on by the people.

3 (4) The county official responsible for voter
4 registration in each county shall mail one copy of the voter
5 information pamphlet to each registered voter in the county,
6 except that two or more voters with the same mailing address
7 and the same last name may be counted as one voter. The
8 mailing ~~shall~~ must take place no later than 2 weeks after
9 ~~the pamphlets are received from the printer~~ before the
10 election.

11 (5) Ten copies of the voter information pamphlet ~~shall~~
12 must be available at each precinct for use by any voter
13 wishing to read the explanatory information and complete
14 text before voting on the ballot issues."

15 NEW SECTION. Section 12. Repealer. Section 13-2-102,
16 MCA, is repealed.

17 NEW SECTION. SECTION 13. EFFECTIVE DATE. [THIS ACT] IS
18 EFFECTIVE JULY 1, 1993.

-End-