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SENATE BILL NO. 94

INTRODUCED BY

*Linda Nelson* *Stevenson*

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LAWS GOVERNING WRITE-IN CANDIDATES; REQUIRING AN INDIVIDUAL FILING A DECLARATION OF INTENT FOR A WRITE-IN CANDIDACY TO RECORD A NICKNAME OR INITIALS; REQUIRING THAT ELECTION OFFICIALS COUNT A WRITE-IN VOTE THAT SUFFICIENTLY IDENTIFIES AN INDIVIDUAL; AND AMENDING SECTIONS 13-10-211, 13-10-302, AND 13-15-403, MCA."

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

**Section 1.** Section 13-10-211, MCA, is amended to read:

**"13-10-211. Declaration of intent for write-in candidates.** (1) Except as provided in subsection (4), a person seeking to become a write-in candidate for an office in any election shall file a declaration of intent. The declaration of intent must be filed with the secretary of state or election administrator, depending on where a declaration of nomination for the desired office is required to be filed under 13-10-201, or with the school district clerk for a school district office. Except as provided in subsection (2), the declaration must be filed no later than 5 p.m. on the 15th day before the election and must contain:

- (a) the candidate's name, including a nickname or initials;
- (b) the candidate's mailing address;
- (c) a statement declaring the candidate's intention to be a write-in candidate;
- (d) the title of the office sought;
- (e) the date of the election;
- (f) the date of the declaration; and
- (g) the candidate's signature.

(2) A declaration of intent may be filed after the deadline provided for in subsection (1) but no later than 5 p.m. on the day before the election if, less than 15 days before the election, a candidate for the office that the write-in candidate is seeking:

- (a) dies;
- (b) withdraws from the election; or

1 (c) is charged with a felony offense.

2 (3) The secretary of state shall notify each election administrator of the names of write-in  
3 candidates who have filed a declaration of intent with ~~his office~~ the secretary of state. Each election  
4 administrator and school district clerk shall notify the election judges in ~~their~~ the county or district of the  
5 names of write-in candidates who have filed a declaration of intent.

6 (4) The requirements in subsection (1) do not apply to a write-in candidate seeking election:

7 (a) as a precinct ~~committeeman or committeewoman~~ officer in a primary election; or

8 (b) to an office for which no candidate has filed a declaration or petition for nomination or a  
9 declaration of intent."

10

11 **Section 2.** Section 13-10-302, MCA, is amended to read:

12 **"13-10-302. Write-in votes for previously nominated candidates.** If an elector writes the name of  
13 an individual upon a primary party ballot when the individual's name appears as a candidate for the same  
14 office on another party ballot, the vote shall count for the individual only as a candidate of the party upon  
15 whose ballot ~~his~~ the individual's name is written and the votes cast on the separate party ballots may not  
16 be added together. A write-in vote must be counted if the vote sufficiently identifies the individual,  
17 including identification by a nickname or initials instead of a first name."

18

19 **Section 3.** Section 13-15-403, MCA, is amended to read:

20 **"13-15-403. Canvass to be public -- nonessentials to be disregarded -- petition for recount.** (1) The  
21 canvass ~~shall~~ must be public. It ~~shall~~ must proceed by opening the returns, auditing the tally books or other  
22 records of votes cast, determining the vote for each individual and for and against each ballot issue from  
23 each precinct, compiling totals, and declaring or certifying the results.

24 (2) The board shall record all write-in votes shown in the returns from each precinct. A write-in  
25 vote must be counted if the write-in vote sufficiently identifies an individual by any of the designations filed  
26 pursuant to 13-10-211(1)(a).

27 (3) The returns may not be rejected because of failure to show who administered the oath to the  
28 election judges, failure to complete all the certificates in a pollbook, or ~~because of~~ failure of any other act  
29 making up the returns that is not essential to determine for whom the votes were cast.

30 (4) If during a canvass the board finds an error in a precinct or precincts affecting the accuracy of

1 vote totals, the board immediately may petition for a recount of the votes cast in the precinct or precincts,  
2 as provided in 13-16-201, or for an inspection of ballots, as provided in 13-16-420."

3 . -END-

APPROVED BY COMM.  
ON FISH AND GAME

## 1 HOUSE BILL NO. 94

2 INTRODUCED BY BRAINARD, HALLIGAN, CLARK, JORE, REHBEIN, WELLS

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN EXCEPTION FROM THE 10-MILE LOCATION  
5 RESTRICTION FOR A SHOOTING PRESERVE ESTABLISHED AND OPERATED EXCLUSIVELY FOR THE  
6 PRACTICE OF FALCONRY HUNTING BY THE DISABLED; AMENDING SECTION 87-4-502, MCA; AND  
7 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

8

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

10

11 **Section 1.** Section 87-4-502, MCA, is amended to read:

12 "**87-4-502. Size, location, and posting of preserves.** Operating licenses or permits may be issued  
13 to any person, partnership, association, or corporation for the operation of shooting preserves that meet  
14 the following requirements ~~hereinafter prescribed~~:

15 (1) ~~Each~~ A shooting preserve ~~shall be restricted to~~ may not be more than 1,280 contiguous acres,  
16 ~~and shall~~ may not be located closer than 10 miles from another preserve, and must be located in areas  
17 ~~which that~~ will not substantially reduce hunting areas available to the public as determined by the  
18 department. The 10-mile location restriction in this subsection does not apply to a shooting preserve  
19 established AND OPERATED exclusively for the practice of falconry hunting by the disabled.

20 (2) The exterior boundaries of each shooting preserve ~~shall~~ must be clearly defined and posted with  
21 signs erected around the extremity at intervals of 250 feet or less."

22

23 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

24

-END-

APPROVED BY COM ON  
STATE ADMINISTRATION

1 SENATE BILL NO. 94

2 INTRODUCED BY L. NELSON, DEVANEY

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LAWS GOVERNING WRITE-IN CANDIDATES;  
5 REQUIRING AN INDIVIDUAL FILING A DECLARATION OF INTENT FOR A WRITE-IN CANDIDACY TO  
6 RECORD ~~A NICKNAME OR INITIALS~~ THE CANDIDATE'S FIRST AND LAST NAMES AND ANY NICKNAME,  
7 INITIALS, OR DERIVATIVE OR DIMINUTIVE USED IN PLACE OF A FIRST NAME OR FIRST AND MIDDLE  
8 NAMES; REQUIRING THAT ELECTION OFFICIALS COUNT A WRITE-IN VOTE ~~THAT SUFFICIENTLY~~  
9 ~~IDENTIFIES AN INDIVIDUAL~~ ONLY IF THE VOTE IDENTIFIES THE CANDIDATE BY ANY OF THE  
10 PREVIOUSLY FILED NAMES; AND AMENDING SECTIONS 13-10-211, 13-10-302, AND 13-15-403, MCA."

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

13  
14 **Section 1.** Section 13-10-211, MCA, is amended to read:

15 "13-10-211. **Declaration of intent for write-in candidates.** (1) Except as provided in subsection (4),  
16 a person seeking to become a write-in candidate for an office in any election shall file a declaration of  
17 intent. The declaration of intent must be filed with the secretary of state or election administrator,  
18 depending on where a declaration of nomination for the desired office is required to be filed under  
19 13-10-201, or with the school district clerk for a school district office. Except as provided in subsection  
20 (2), the declaration must be filed no later than 5 p.m. on the 15th day before the election and must contain:

21 (a) ~~the candidate's name, including a nickname or initials~~ (I) THE CANDIDATE'S FIRST AND LAST  
22 NAMES;

23 (II) THE CANDIDATE'S INITIALS, IF ANY, USED INSTEAD OF A FIRST NAME, OR FIRST AND  
24 MIDDLE NAME, AND THE CANDIDATE'S LAST NAME;

25 (III) THE CANDIDATE'S NICKNAME, IF ANY, USED INSTEAD OF A FIRST NAME, AND THE  
26 CANDIDATE'S LAST NAME; AND

27 (IV) A DERIVATIVE OR DIMINUTIVE NAME, IF ANY, USED INSTEAD OF A FIRST NAME, AND THE  
28 CANDIDATE'S LAST NAME;

29 (b) the candidate's mailing address;

30 (c) a statement declaring the candidate's intention to be a write-in candidate;

- 1 (d) the title of the office sought;  
 2 (e) the date of the election;  
 3 (f) the date of the declaration; and  
 4 (g) the candidate's signature.

5 (2) A declaration of intent may be filed after the deadline provided for in subsection (1) but no later  
 6 than 5 p.m. on the day before the election if, less than 15 days before the election, a candidate for the  
 7 office that the write-in candidate is seeking:

- 8 (a) dies;  
 9 (b) withdraws from the election; or  
 10 (c) is charged with a felony offense.

11 (3) The secretary of state shall notify each election administrator of the names of write-in  
 12 candidates who have filed a declaration of intent with ~~his office~~ the secretary of state. Each election  
 13 administrator and school district clerk shall notify the election judges in ~~their~~ the county or district of the  
 14 names of write-in candidates who have filed a declaration of intent.

15 (4) The requirements in subsection (1) do not apply to a write-in candidate seeking election:

- 16 (a) as a precinct ~~committeeman or committeewoman~~ officer in a primary election; or  
 17 (b) to an office for which no candidate has filed a declaration or petition for nomination or a  
 18 declaration of intent."

19

20 **Section 2.** Section 13-10-302, MCA, is amended to read:

21 **"13-10-302. Write-in votes for previously nominated candidates.** If an elector writes the name of  
 22 an individual upon a primary party ballot when the individual's name appears as a candidate for the same  
 23 office on another party ballot, the vote shall count for the individual only as a candidate of the party upon  
 24 whose ballot ~~his~~ the individual's name is written and the votes cast on the separate party ballots may not  
 25 be added together. ~~A write-in vote must~~ MAY be counted ONLY if the vote ~~efficiently~~ identifies the  
 26 individual, ~~including identification by a nickname or initials instead of a first name~~ BY ANY OF THE  
 27 DESIGNATIONS FILED PURSUANT TO 13-10-211(1)(A)(I) THROUGH (1)(A)(IV)."

28

29 **Section 3.** Section 13-15-403, MCA, is amended to read:

30 **"13-15-403. Canvass to be public -- nonessentials to be disregarded -- petition for recount.** (1) The

1 canvass ~~shall~~ must be public. It ~~shall~~ must proceed by opening the returns, auditing the tally books or other  
2 records of votes cast, determining the vote for each individual and for and against each ballot issue from  
3 each precinct, compiling totals, and declaring or certifying the results.

4 (2) The board shall record all write-in votes shown in the returns from each precinct. A write-in  
5 vote ~~must~~ MAY be counted ONLY if the write-in vote sufficiently identifies an individual by any of the  
6 designations filed pursuant to 13-10-211(1)(a) (I) THROUGH (1)(A)(IV).

7 (3) The returns may not be rejected because of failure to show who administered the oath to the  
8 election judges, failure to complete all the certificates in a pollbook, or ~~because of~~ failure of any other act  
9 making up the returns that is not essential to determine for whom the votes were cast.

10 (4) If during a canvass the board finds an error in a precinct or precincts affecting the accuracy of  
11 vote totals, the board immediately may petition for a recount of the votes cast in the precinct or precincts,  
12 as provided in 13-16-201, or for an inspection of ballots, as provided in 13-16-420."

13 -END-

## 1 SENATE BILL NO. 94

2 INTRODUCED BY L. NELSON, DEVANEY

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LAWS GOVERNING WRITE-IN CANDIDATES;  
 5 REQUIRING AN INDIVIDUAL FILING A DECLARATION OF INTENT FOR A WRITE-IN CANDIDACY TO  
 6 RECORD ~~A NICKNAME OR INITIALS~~ THE CANDIDATE'S FIRST AND LAST NAMES AND ANY NICKNAME,  
 7 INITIALS, OR DERIVATIVE OR DIMINUTIVE USED IN PLACE OF A FIRST NAME OR FIRST AND MIDDLE  
 8 NAMES; REQUIRING THAT ELECTION OFFICIALS COUNT A WRITE-IN VOTE ~~THAT SUFFICIENTLY~~  
 9 ~~IDENTIFIES AN INDIVIDUAL~~ ONLY IF THE VOTE IDENTIFIES THE CANDIDATE BY ANY OF THE  
 10 PREVIOUSLY FILED NAMES; AND AMENDING SECTIONS 13-10-211, 13-10-302, AND 13-15-403, MCA."

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

13  
 14 Section 1. Section 13-10-211, MCA, is amended to read:

15 "13-10-211. Declaration of intent for write-in candidates. (1) Except as provided in subsection (4),  
 16 a person seeking to become a write-in candidate for an office in any election shall file a declaration of  
 17 intent. The declaration of intent must be filed with the secretary of state or election administrator,  
 18 depending on where a declaration of nomination for the desired office is required to be filed under  
 19 13-10-201, or with the school district clerk for a school district office. Except as provided in subsection  
 20 (2), the declaration must be filed no later than 5 p.m. on the 15th day before the election and must contain:

21 (a) ~~the candidate's name, including a nickname or initials~~ (I) THE CANDIDATE'S FIRST AND LAST  
 22 NAMES;

23 (II) THE CANDIDATE'S INITIALS, IF ANY, USED INSTEAD OF A FIRST NAME, OR FIRST AND  
 24 MIDDLE NAME, AND THE CANDIDATE'S LAST NAME;

25 (III) THE CANDIDATE'S NICKNAME, IF ANY, USED INSTEAD OF A FIRST NAME, AND THE  
 26 CANDIDATE'S LAST NAME; AND

27 (IV) A DERIVATIVE OR DIMINUTIVE NAME, IF ANY, USED INSTEAD OF A FIRST NAME, AND THE  
 28 CANDIDATE'S LAST NAME;

29 (b) the candidate's mailing address;

30 (c) a statement declaring the candidate's intention to be a write-in candidate;



- 1 (d) the title of the office sought;  
 2 (e) the date of the election;  
 3 (f) the date of the declaration; and  
 4 (g) the candidate's signature.

5 (2) A declaration of intent may be filed after the deadline provided for in subsection (1) but no later  
 6 than 5 p.m. on the day before the election if, less than 15 days before the election, a candidate for the  
 7 office that the write-in candidate is seeking:

- 8 (a) dies;  
 9 (b) withdraws from the election; or  
 10 (c) is charged with a felony offense.

11 (3) The secretary of state shall notify each election administrator of the names of write-in  
 12 candidates who have filed a declaration of intent with ~~his office~~ the secretary of state. Each election  
 13 administrator and school district clerk shall notify the election judges in ~~their~~ the county or district of the  
 14 names of write-in candidates who have filed a declaration of intent.

15 (4) The requirements in subsection (1) do not apply to a write-in candidate seeking election:

- 16 (a) as a precinct ~~committeeman or committeewoman~~ officer in a primary election; or  
 17 (b) to an office for which no candidate has filed a declaration or petition for nomination or a  
 18 declaration of intent."

19

20 **Section 2.** Section 13-10-302, MCA, is amended to read:

21 **"13-10-302. Write-in votes for previously nominated candidates.** If an elector writes the name of  
 22 an individual upon a primary party ballot when the individual's name appears as a candidate for the same  
 23 office on another party ballot, the vote shall count for the individual only as a candidate of the party upon  
 24 whose ballot ~~his~~ the individual's name is written and the votes cast on the separate party ballots may not  
 25 be added together. A write-in vote must MAY be counted ONLY if the vote sufficiently identifies the  
 26 individual, including identification by a nickname or initials instead of a first name BY ANY OF THE  
 27 DESIGNATIONS FILED PURSUANT TO 13-10-211(1)(A)(I) THROUGH (1)(A)(IV)."

28

29 **Section 3.** Section 13-15-403, MCA, is amended to read:

30 **"13-15-403. Canvass to be public -- nonessentials to be disregarded -- petition for recount.** (1) The

1 canvass ~~shall~~ must be public. It ~~shall~~ must proceed by opening the returns, auditing the tally books or other  
2 records of votes cast, determining the vote for each individual and for and against each ballot issue from  
3 each precinct, compiling totals, and declaring or certifying the results.

4 (2) The board shall record all write-in votes shown in the returns from each precinct. A write-in  
5 vote ~~must~~ MAY be counted ONLY if the write-in vote sufficiently identifies an individual by any of the  
6 designations filed pursuant to 13-10-211(1)(a) (I) THROUGH (1)(A)(IV).

7 (3) The returns may not be rejected because of failure to show who administered the oath to the  
8 election judges, failure to complete all the certificates in a pollbook, or ~~because of~~ failure of any other act  
9 making up the returns that is not essential to determine for whom the votes were cast.

10 (4) If during a canvass the board finds an error in a precinct or precincts affecting the accuracy of  
11 vote totals, the board immediately may petition for a recount of the votes cast in the precinct or precincts,  
12 as provided in 13-16-201, or for an inspection of ballots, as provided in 13-16-420."

13 -END-



## HOUSE STANDING COMMITTEE REPORT

February 21, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **State Administration** report that **Senate Bill 94** (third reading copy -- blue) be concurred in as amended.

Signed: *Dick Simpkins*  
*Dick Simpkins, Chair*

Carried by: Rep. Devaney

And, that such amendments read:

1. Page 2, line 25 and page 3, line 4.

Strike: "A"

Insert: "Except as provided in 13-10-211(4), a"

-END-

Committee Vote:  
Yes 18, No 0.

SB 94

HOUSE



# HOUSE COMMITTEE OF THE WHOLE AMENDMENT

Senate Bill 94  
Representative Devaney

March 1, 1995 12:24 pm  
Page 1 of 2

Mr. Chairman: I move to amend Senate Bill 94 (third reading copy -- blue).

Signed:

Representative Devaney

And, that such amendments to Senate Bill 94 read as follows:

1. Title, line 10.  
Strike: "13-15-403"  
Insert: "13-15-202"

2. Page 2, line 29 through page 3, line 12.  
Strike: Section 3 in its entirety  
Insert:

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

"13-15-202. Counting votes cast -- pollbook. (1) (a) When the procedures required by 13-15-201 are completed, the election judges shall count and determine the votes cast for each individual, except as provided in subsection (1) (b).

(b) The judges may not count or record write-in votes for candidates who have not filed a declaration of intent as provided in 13-10-211, except for write-in votes cast:

(i) for the office of precinct committeeman or committeewoman in a primary election;

(ii) for an office for which no candidate has filed a declaration or petition for nomination or a declaration of intent; or

(iii) on a federal write-in absentee ballot as provided in 13-13-273.

(2) In counting, the ballots shall be opened singly by one of the election judges and the contents read aloud to the other judges.

(3) A ballot or part of a ballot is void and ~~shall~~ may not be counted if the elector's choice cannot be determined. If part of a ballot is sufficiently plain to determine the elector's

ADOPT

93-1

SB 94

HOUSE

REJECT

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intention, the election judges shall count that part. Except as provided in 13-10-211(4), a write-in vote may be counted only if the write-in vote identifies an individual by any of the designations filed pursuant to 13-10-211(1)(a).

(4) As the ballots are read, two judges must write on a tally sheet the name of every individual and the office voted for and keep tallies of the number of votes for each individual, except as provided in subsection (1)(b).

(5) The tally sheets shall be compared and their correctness ascertained, and the judges shall immediately write in the pollbook:

(a) the names of all individuals who received votes;  
(b) the offices for which they received votes;  
(c) total votes received by each individual as shown by the tally sheets.

(6) In making the count in precincts where voting machines are used, the votes cast by absentee ballot shall be added to the votes cast on the voting machines.

(7) A ballot or vote rejected by the election judges may not be included in the count."

-END-

## 1 SENATE BILL NO. 94

2 INTRODUCED BY L. NELSON, DEVANEY

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LAWS GOVERNING WRITE-IN CANDIDATES;  
 5 REQUIRING AN INDIVIDUAL FILING A DECLARATION OF INTENT FOR A WRITE-IN CANDIDACY TO  
 6 RECORD ~~A NICKNAME OR INITIALS~~ THE CANDIDATE'S FIRST AND LAST NAMES AND ANY NICKNAME,  
 7 INITIALS, OR DERIVATIVE OR DIMINUTIVE USED IN PLACE OF A FIRST NAME OR FIRST AND MIDDLE  
 8 NAMES; REQUIRING THAT ELECTION OFFICIALS COUNT A WRITE-IN VOTE ~~THAT SUFFICIENTLY~~  
 9 ~~IDENTIFIES AN INDIVIDUAL~~ ONLY IF THE VOTE IDENTIFIES THE CANDIDATE BY ANY OF THE  
 10 PREVIOUSLY FILED NAMES; AND AMENDING SECTIONS 13-10-211, 13-10-302, AND ~~13-15-403~~  
 11 13-15-202, MCA."

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

14  
 15 **Section 1.** Section 13-10-211, MCA, is amended to read:

16 "13-10-211. **Declaration of intent for write-in candidates.** (1) Except as provided in subsection (4),  
 17 a person seeking to become a write-in candidate for an office in any election shall file a declaration of  
 18 intent. The declaration of intent must be filed with the secretary of state or election administrator,  
 19 depending on where a declaration of nomination for the desired office is required to be filed under  
 20 13-10-201, or with the school district clerk for a school district office. Except as provided in subsection  
 21 (2), the declaration must be filed no later than 5 p.m. on the 15th day before the election and must contain:

22 (a) ~~the candidate's name, including a nickname or initials~~ (I) THE CANDIDATE'S FIRST AND LAST  
 23 NAMES;

24 (II) THE CANDIDATE'S INITIALS, IF ANY, USED INSTEAD OF A FIRST NAME, OR FIRST AND  
 25 MIDDLE NAME, AND THE CANDIDATE'S LAST NAME;

26 (III) THE CANDIDATE'S NICKNAME, IF ANY, USED INSTEAD OF A FIRST NAME, AND THE  
 27 CANDIDATE'S LAST NAME; AND

28 (IV) A DERIVATIVE OR DIMINUTIVE NAME, IF ANY, USED INSTEAD OF A FIRST NAME, AND THE  
 29 CANDIDATE'S LAST NAME;

30 (b) the candidate's mailing address;

1 (c) a statement declaring the candidate's intention to be a write-in candidate;

2 (d) the title of the office sought;

3 (e) the date of the election;

4 (f) the date of the declaration; and

5 (g) the candidate's signature.

6 (2) A declaration of intent may be filed after the deadline provided for in subsection (1) but no later  
7 than 5 p.m. on the day before the election if, less than 15 days before the election, a candidate for the  
8 office that the write-in candidate is seeking:

9 (a) dies;

10 (b) withdraws from the election; or

11 (c) is charged with a felony offense.

12 (3) The secretary of state shall notify each election administrator of the names of write-in  
13 candidates who have filed a declaration of intent with ~~his office~~ the secretary of state. Each election  
14 administrator and school district clerk shall notify the election judges in ~~their~~ the county or district of the  
15 names of write-in candidates who have filed a declaration of intent.

16 (4) The requirements in subsection (1) do not apply to a write-in candidate seeking election:

17 (a) as a precinct ~~committeeman or committeewoman~~ officer in a primary election; or

18 (b) to an office for which no candidate has filed a declaration or petition for nomination or a  
19 declaration of intent."

20

21 **Section 2.** Section 13-10-302, MCA, is amended to read:

22 "**13-10-302. Write-in votes for previously nominated candidates.** If an elector writes the name of  
23 an individual upon a primary party ballot when the individual's name appears as a candidate for the same  
24 office on another party ballot, the vote shall count for the individual only as a candidate of the party upon  
25 whose ballot ~~his~~ the individual's name is written and the votes cast on the separate party ballots may not  
26 be added together. A EXCEPT AS PROVIDED IN 13-10-211(4), A write-in vote must MAY be counted  
27 ONLY if the vote sufficiently identifies the individual, including identification by a nickname or initials  
28 instead of a first name BY ANY OF THE DESIGNATIONS FILED PURSUANT TO 13-10-211(1)(A)(I)  
29 THROUGH (1)(A)(IV)."

30

1           ~~Section 3. Section 13-15-403, MCA, is amended to read:~~

2           ~~"13-15-403. Canvass to be public -- nonessentials to be disregarded -- petition for recount. (1) The~~  
 3 ~~canvass shall must be public. It shall must proceed by opening the returns, auditing the tally books or other~~  
 4 ~~records of votes cast, determining the vote for each individual and for and against each ballot issue from~~  
 5 ~~each precinct, compiling totals, and declaring or certifying the results.~~

6           ~~(2) The board shall record all write-in votes shown in the returns from each precinct. A EXCEPT~~  
 7 ~~AS PROVIDED IN 13-10-211(4), A write-in vote must MAY be counted ONLY if the write-in vote sufficiently~~  
 8 ~~identifies an individual by any of the designations filed pursuant to 13-10-211(1)(a) (I) THROUGH (1)(A)(IV).~~

9           ~~(3) The returns may not be rejected because of failure to show who administered the oath to the~~  
 10 ~~election judges, failure to complete all the certificates in a pollbook, or because of failure of any other act~~  
 11 ~~making up the returns that is not essential to determine for whom the votes were cast.~~

12           ~~(4) If during a canvass the board finds an error in a precinct or precincts affecting the accuracy of~~  
 13 ~~vote totals, the board immediately may petition for a recount of the votes cast in the precinct or precincts,~~  
 14 ~~as provided in 13-16-201, or for an inspection of ballots, as provided in 13-16-420."~~

15  
 16           **SECTION 3. SECTION 13-15-202, MCA, IS AMENDED TO READ:**

17           **"13-15-202. Counting votes cast -- pollbook. (1) (a)** When the procedures required by 13-15-201  
 18 are completed, the election judges shall count and determine the votes cast for each individual, except as  
 19 provided in subsection (1)(b).

20           (b) The judges may not count or record write-in votes for candidates who have not filed a  
 21 declaration of intent as provided in 13-10-211, except for write-in votes cast:

22           (i) for the office of precinct committeeman or committeewoman in a primary election;

23           (ii) for an office for which no candidate has filed a declaration or petition for nomination or a  
 24 declaration of intent; or

25           (iii) on a federal write-in absentee ballot as provided in 13-13-273.

26           (2) In counting, the ballots shall be opened singly by one of the election judges and the contents  
 27 read aloud to the other judges.

28           (3) A ballot or part of a ballot is void and shall may not be counted if the elector's choice cannot  
 29 be determined. If part of a ballot is sufficiently plain to determine the elector's intention, the election judges  
 30 shall count that part. Except as provided in 13-10-211(4), a write-in vote may be counted only if the



1 write-in vote identifies an individual by any of the designations filed pursuant to 13-10-211(1)(a).

2 (4) As the ballots are read, two judges must write on a tally sheet the name of every individual and  
3 the office voted for and keep tallies of the number of votes for each individual, except as provided in  
4 subsection (1)(b).

5 (5) The tally sheets shall be compared and their correctness ascertained, and the judges shall  
6 immediately write in the pollbook:

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

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

9 (c) total votes received by each individual as shown by the tally sheets.

10 (6) In making the count in precincts where voting machines are used, the votes cast by absentee  
11 ballot shall be added to the votes cast on the voting machines.

12 (7) A ballot or vote rejected by the election judges may not be included in the count."

13 -END-