1   HOUSE BILL NO. 295

2   INTRODUCED BY P. FIELDER, L. SCHUBERT, S. KLAKKEN, T. SHARP, E. BYRNE, T. MILLETT, D.

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6

7   A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO JUDICIAL TRANSPARENCY IN

8   JUDICIAL ELECTIONS; ALLOWING JUDICIAL CANDIDATES TO INDICATE A POLITICAL PARTY

9   AFFILIATION ON A DECLARATION FOR NOMINATION AND TO HAVE THAT AFFILIATION APPEAR ON

10   THE BALLOT; ALLOWING JUDICIAL CANDIDATES TO ANNOUNCE POLITICAL PARTY AFFILIATIONS

11   AND ENDORSEMENTS; AMENDING SECTIONS 13-10-209, 13-10-602, 13-12-203, 13-14-112, AND 13-14-

12   115, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

13

14   WHEREAS, the purpose of this bill is to allow judicial candidates to state their political party affiliation, if

15   desired, when filing for offices; and

16   WHEREAS, allowing candidates to share party affiliations will give voters additional information about

17   the people on the ballot.

18

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

20

21   NEW SECTION. **Section 1.   Indication by judicial candidate of political party affiliation.** A

22   candidate for judicial office may indicate the candidate's political party affiliation on the candidate's declaration

23   for nomination.

24

25   NEW SECTION. **Section 2.   Announcement by judicial candidate of political party affiliation and**

26   **endorsements.** A candidate for judicial office may announce the candidate's political party affiliation or a

27   campaign endorsement that the candidate has received.

28

1   **Section 3.** Section 13-10-209, MCA, is amended to read:

2   "**13-10-209.   Arrangement and preparing of primary ballots.** (1) (a) Ballots for a primary election

3   must be arranged and prepared in the same manner and number as provided in chapter 12 for general election

4   ballots, except that there must be separate ballots for each political party entitled to participate. The name of

5   the political party must appear at the top of the separate ballot for that party and need not appear with each

6   candidate's name.

7   (b)   Nonpartisan offices and ballot issues may be prepared on separate ballots or may appear on

8   the same ballot as partisan offices if:

9   (i)   each section is clearly identified as separate; and

10   (ii)   the nonpartisan offices and ballot issues appear on each party's ballot.

11   (2)   Except as provided in subsection (3), an election administrator does not need to prepare a

12   primary ballot for a political party if:

13   (a)   the party does not have candidates for more than half of the offices to appear on the ballot; and

14   (b)   no more than one candidate files for nomination by that party for any of the offices to appear on

15   the ballot.

16   (3)   Subsection (2) does not apply to elections for precinct committee offices. If more than one

17   candidate files for a precinct committee office from a party that will not have a primary ballot prepared, that

18   party shall select the candidate to fill the office.

19   (4)   If, pursuant to subsection (2), in a primary election held in an even-numbered year a primary

20   ballot for a political party is not prepared, the secretary of state shall certify that a primary election is

21   unnecessary for that party and shall instruct the election administrator to certify the names of the candidates for

22   that party for the general election ballot only.

23   (5)   The separate ballots for each party must have the same appearance. Each set of party ballots

24   must bear the same number. If prepared as a separate ballot, the nonpartisan ballot may have a different

25   appearance than the party ballots but must be numbered in the same order as the party ballots.

26   (6)   Regardless of whether the election administrator has prepared separate ballots for nonpartisan

27   offices or has listed nonpartisan candidates on the same ballots as partisan candidates, if a candidate for

28   judicial office indicates the candidate's political party affiliation on a declaration for nomination, the candidate's

1   name must appear under the title of the office sought, with the name of the candidate's political party affiliation,

2   if any, in no more than three words appearing opposite or below the candidate's name. If a candidate for judicial

3   office did not indicate a political party affiliation as provided in 13-14-112, the name of the candidate must

4   appear with the word "Undisclosed".

5   (6)(7)   If a ballot issue is to be voted on at a primary election, it may be placed on the nonpartisan

6   ballot or a separate ballot. A separate ballot may have a different appearance than the other ballots in the

7   election but must be numbered in the same order.

8   (7)(8)   Each elector must receive a set of ballots that includes the party, nonpartisan, and ballot issue

9   choices."

10

11   **Section 4.** Section 13-10-602, MCA, is amended to read:

12   "**13-10-602.   Use of party name.** (1) Except as provided in subsection (3), a political party and its

13   regularly nominated candidates, members, and officers have the sole and exclusive right to the use of the party

14   name. A Except as provided in [section 1], a candidate for office may not use any word of the name of any

15   other political party or organization other than that by which the candidate is nominated in a manner that

16   indicates or implies the individual is a candidate of the nonnominating party.

17   (2)   An independent or nonpartisan candidate, except as provided in [section 1] or subsection (3) of

18   this section, may not use any word of the name of any existing political party or organization in the candidacy in

19   a manner that indicates or implies that the individual is a candidate of that party or organization.

20   (3)   A candidate for an elective office under an elected county official government provided for in 7-

21   3-111 who is running in an election conducted after electors have approved a change pursuant to 7-3-103(4) in

22   the type of election held from partisan to nonpartisan may use a party name or symbol in the candidate's

23   campaign material."

24

25   **Section 5.** Section 13-12-203, MCA, is amended to read:

26   "**13-12-203.   Appearance of candidate's name and party designation on ballot.** (1) Subject to 13-

27   12-202 and except as provided in 13-10-209 for nonpartisan offices and 13-10-303 for certain other candidates,

28   in partisan elections, candidates' names must appear under the title of the office sought, with the name of the

1   party in not more than three words appearing opposite or below the name.

2   (2)   (a) ~~Subject~~ Except as provided in subsection (2)(b) and subject to 13-12-202, in nonpartisan

3   general elections, the candidates' names must appear under the title of the office sought, with no description or

4   designation appearing with the name unless partisan and nonpartisan offices appear on the same ballot. In

5   such a case, the names of nonpartisan candidates must appear with the word "Nonpartisan".

6   (b)   In an election for judicial office, the candidates' names must appear under the title of the office

7   sought, with the name of the candidate's political party affiliation, if any, in no more than three words appearing

8   opposite or below the candidate's name. If a candidate for judicial office did not indicate a political party

9   affiliation as provided 13-14-112, the name of the candidate must appear with the word "Undisclosed".

10   (3)   Except as otherwise provided by this section, information about the candidate other than the

11 candidate's name may not appear on the ballot, including a title, accomplishment, award, or degree."

12

13   **Section 6.** Section 13-14-112, MCA, is amended to read:

14   "**13-14-112.   Declarations for nomination -- fee -- filing.** (1) Nonpartisan candidates shall file

15 declarations for nomination as required by the primary election laws in a form prescribed by the secretary of

16 state except as provided in 13-14-113. Except for a candidate covered under 7-1-205, a candidate may not file

17 for more than one public office.

18   (2)   (a) ~~Declarations~~Except as provided as subsection (2)(b), declarations may not indicate political

19 affiliation. The candidate may not state in the declaration any principles or measures that the candidate

20 advocates or any slogans.

21   (b)   A candidate for judicial office may indicate the candidate's political party affiliation on the

22 declaration. A candidate who does not indicate a political party affiliation on the declaration may list

23 "Undisclosed".

24   (3)   Each individual filing a declaration shall pay the fee prescribed by law for the office that the

25 individual seeks.

26   (4)   Declarations must be filed:

27   (a)   in the office of the secretary of state or the appropriate election administrator as provided in 13-

28 10-201; and

1   (b)   within the filing period provided in 13-10-201(7) for the office that the individual seeks."

2

3   **Section 7.** Section 13-14-115, MCA, is amended to read:

4   "**13-14-115.   Preparation and distribution of nonpartisan primary ballots -- determination on**

5   **conducting primary.** (1) The election administrators shall arrange, prepare, and distribute primary ballots for

6   nonpartisan offices, designated "nonpartisan primary ballots". The ballots must be arranged and prepared as

7   provided in 13-10-209 and be without political designation, but a candidate for judicial office must be listed with

8   the candidate's political party affiliation, if any, as provided in 13-10-209 and 13-12-203.

9   (2)   (a) Except as provided in subsection (2)(b), the election administrator of a political subdivision

10   may determine that a local nonpartisan portion of a primary election need not be held if:

11   (i)   the number of candidates for an office exceeds three times the number to be elected to that

12   office in no more than one-half of the offices on the ballot; and

13   (ii)   the number of candidates in excess of three times the number to be elected is not more than

14   one for any office on the ballot.

15   (b)   The election administrator may determine that a primary election for a nonpartisan county office

16   need not be held if fewer than three candidates have filed for that office.

17   (c)   If the election administrator determines that a primary election must be held pursuant to

18   subsection (2)(a) or (2)(b), the election administrator shall conduct the primary election only for the nonpartisan

19   offices that have a sufficient number of candidates that have filed to be elected to that office.

20   (d)   If the election administrator determines that a primary election need not be held pursuant to

21   subsection (2)(a), (2)(b), or (2)(c) for a nonpartisan office, the administrator shall give notice to the governing

22   body that a primary election will not be held for that office.

23   (3)   The governing body may require that a primary election be held for a nonpartisan office if it

24   passes a resolution not more than 10 days after the close of filing by candidates for election stating that a

25   primary election must be held for that office."

26

27   NEW SECTION. **Section 8.   Codification instruction.** (1) [Section 1] is intended to be codified as an

28   integral part of Title 13, chapter 14, part 2, and the provisions of Title 13, chapter 14, part 2, apply to [section 1].

1   (2)   [Section 2] is intended to be codified as an integral part of Title 13, chapter 35, part 2, and the

2   provisions of Title 13, chapter 35, part 2, apply to [section 2].

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4   NEW SECTION. **Section 9.   Effective date.** [This act] is effective on passage and approval.

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