

HOUSE BILL NO. 207

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING CANDIDATE FILING LAWS; REQUIRING
CANDIDATES FOR LOCAL AND STATE OFFICE TO FILE FOR OFFICE PRIOR TO THE PRIMARY
ELECTION; PROHIBITING UNSUCCESSFUL PRIMARY CANDIDATES FROM SEEKING NOMINATION IN
THE GENERAL ELECTION; INCREASING THE SIGNATURE PERCENTAGE REQUIRED FOR A THIRD-
PARTY OR INDEPENDENT CANDIDATE PETITION; AMENDING SECTIONS 13-1-403, 13-1-502, 13-10-201,
13-10-211, 13-10-501, 13-10-502, AND 13-10-503, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
DATE."

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

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

**"13-1-403. Election deadlines for candidate filing, write-in candidacy, and withdrawal -- election
cancellation -- election by acclamation.** (1) Consistent with the candidate filing deadline in 13-10-201(7) for
primary elections and except as provided in subsection (2) for a write-in candidate, the candidate filing deadline
for election to a local government office is no sooner than ~~445~~105 days and no later than ~~85~~90 days before the
election.

(2) (a) A declaration of intent to be a write-in candidate must be filed with the election administrator
by 5 p.m. on the ~~65th~~90th day before the date of the election.

(b) An unsuccessful candidate for office at a primary election may not seek nomination by write-in

Section 5. Section 13-10-501, MCA, is amended to read:

"13-10-501. Petition for nomination by independent candidates or political parties not eligible to participate in primary election. (1) Except as provided in 13-10-504, nominations for public office by an independent candidate or a political party that does not meet the requirements of 13-10-601 may be made by filing a declaration of intent and paying the filing fee in accordance with 13-10-201 and by circulating a petition for nomination.

(2) The petition must contain the same information and the oath of the candidate required for a declaration for nomination.

(3) If a petition is filed by a political party, it must contain the party name and, in five words or less, the principle that the body represents.

(4) The form of the petition must be prescribed by the secretary of state, and the secretary of state shall furnish sample copies to the election administrators and on request to any individual.

(5) Each sheet of a petition must contain signatures of electors residing in only one county.

(6) An unsuccessful candidate for office at a primary election may not seek nomination by write-in vote or petition for the same office at the general election."

Section 6. Section 13-10-502, MCA, is amended to read:

"13-10-502. Signature requirements for petition. (1) The petition for nomination must be signed by active electors as defined in 13-1-101 residing within the state and district or political subdivision in which the officer or officers are to be elected. Each signature line must contain spaces for the signature, post-office address, and printed last name of the signer.

(2) (a) The For statewide and federal offices, the number of signatures must be 5% 15% 5% or more of the total vote cast for the successful candidate for the same office at the last general election.

(b) For legislative districts and other races not included in subsection (2)(a), the number of signatures must be 10% or more of the total vote cast for the successful candidate for the same office at the last general election.

(3) If the office sought is a new office or the boundaries of the district or political subdivision in which the election is to be held have changed since the last election for the office, the officer with whom

Amendment - 1st Reading-white - Requested by: (H) State Administration

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Drafter: Rebecca Power,

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1 nominations for the office sought are filed shall determine the number of signatures required for a petition of
2 nomination for that office. The number of signatures may not be less than is required in subsection (2)."

3
4 **Section 7.** Section 13-10-503, MCA, is amended to read:

5 **"13-10-503. Filing deadlines.** (1) (a) A petition for nomination, and the affidavits of circulation
6 required by 13-27-302, ~~and the required filing fee~~ must be filed with the same officer with whom other
7 nominations for the office sought are filed. Petitions must be submitted, at least 1 week before the deadline for
8 filing, to the election administrator in the county where the signer resides for verification and certification by the
9 procedures provided in 13-27-303 through 13-27-306.

10 (b) If sufficient signatures are verified and certified pursuant to 13-10-502, the county election
11 administrator shall file the petition for nomination with the same officer with whom other nominations for the
12 office sought are filed.

13 (c) If the petition for nomination is not certified, the county election administrator shall refund the
14 filing fee paid in accordance with 13-10-201.

15 (2) Except as provided in 13-10-504, each petition for nomination ~~and the required filing fee~~ must
16 be filed before the scheduled primary election or the filing deadline for the special or general election if a
17 primary election is not scheduled."

18
19 **NEW SECTION. Section 8. Effective date.** [This act] is effective on passage and approval.

20 - END -